Supreme Court, U. S.
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APPENDIX

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1976

NO. 76-422

E. C. DOTHARD, ET AL,
APPELLANTS

VERSUS

BRENDA M. MIETH, ET AL.,
APPELLEES

ON APPEAL FROM THE UNITED STATES
DISTRICT COURT FOR THE MIDDLE DISTRICT
OF ALABAMA

DOCKETED SEPTEMBER 21, 1976

PROBABLE JURISDICTION NOTED NOVEMBER 29, 1976

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UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF ALABAMA

Civil Action File No. 75-433-N

BRENDA M. MIETH and DIANNE K. RAWLINSON, individually and on behalf of all others similarly situated,

Plaintiff s,

v. SUMMONS

E. C. DOTHARD, individually and in his official capacity as Director of the Department of Public Safety, his agents, servants, assigns, and successors in office, et al.,

Defendant s.

To the above named Defendants more fully set out in the attached complaint:

You are hereby summoned and required to serve upon John L. Carroll
plaintiff's attorney, whose address 1001 South Hull Street, Montgomery, Alabama 36104
an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

JANE P. GORDON
Clerk of Court.
MARGARET HOPE
Deputy Clerk.
[Seal of Court]

Date: December 9, 1975

NOTE:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

Caption of Complaint Omitted*

COMPLAINT

I. Nature of Controversy

This is a civil action brought by Brenda M. Mieth and Dianne K. Rawlinson, suing individually and as class representatives. Plaintiff Mieth attacks the Alabama Department of Public Safety's historic and continuing practice of intentional discrimination against women in the recruiting and hiring of State Troopers. Both Plaintiff Mieth and Plaintiff Rawlinson challenge the promulgation and use of height and weight minimums for employment as state law enforcement officers on the ground that said minimums are intended to and do discriminate against women. The suit seeks declaratory and injunctive relief and the implementation of a hiring ratio in the employment of State Troopers to redress the effects of defendants' blatant discrimination on the basis of sex.

II. Jurisdiction

This action arises under the Fourteenth Amendment to the Constitution of the United States and 42 U.S.C. §§ 1983 and 2000e - 5(f). Jurisdiction is invoked pursuant to 28 U.S.C. § 1331 and § 1343(3). The amount in controversy exceeds the sum of Ten Thousand ($10,000.00) Dollars, exclusive of interest and costs. Plaintiff Rawlinson has satisfied all the jurisdictional prerequisites to suit under 42 U.S.C. § 2000e - 5(f). Plaintiffs seek, *inter alia*, a declaration of their rights and the rights of the class and subclasses under 28 U.S.C. § 2201. A three-judge court is requested pursuant to 28 U.S.C. § 2281.

III. Class Action

Plaintiffs bring this action on their own behalf and on behalf of all women who might be employed or are applicants for employment as state law enforcement officers as that term is defined by Title 55, § 373(108), Code of Alabama

1940 (Recomp. 1958) (1973 Cum. Supp.). Plaintiff Mieth also represents a subclass of all women who might be employed or are applicants for employment with the Department of Public Safety for the position of State Trooper. Plaintiff Rawlinson also represents a subclass of all women who might be employed or are applicants for employment with the Board of Corrections for the position of Correctional Counselor. There are common questions of law and fact affecting the members of the class and subclasses, and these common questions predominate over any questions affecting only individual members. The claims of the plaintiffs are typical of the claims of the class and subclasses. The members of the class and subclasses are so numerous as to make it impracticable to bring them all before the court, and the interests of the class and subclasses are adequately represented by the individual plaintiffs. The class action is the superior and most efficient method for fair adjudication of this controversy.

IV. Parties

A. Plaintiffs

1. Brenda M. Mieth is a 28 year-old female. She is a citizen of the United States and a resident of Montgomery, Alabama.

2. Dianne K. Rawlinson is a 22 year-old female. She is a citizen of the United States and a resident of Montgomery, Alabama.

B. Defendants

1. E. C. Dothard is the Director of the Department of Public Safety. As such he is empowered to appoint all employees of said Department, Title 36, § 58(57), Code of Alabama 1940 (Recomp. 1958), and is the principal supervisory authority in that department.

2. The Alabama Board of Corrections is vested with the power to appoint employees of the Alabama Correctional

System. Title 45, § 10(4), Code of Alabama 1940 (Recomp. 1958).

3. Thomas F. Staton, Rev. J. Vickers, Thomas F. Bradford, Sr., and Marion Carroll, Jr., are the present members of the Alabama Board of Corrections. Each is a citizen of the United States, over the age of 21, and a resident of Alabama.

4. Judson Locke is the Alabama Commissioner of Corrections. As such, he is the principal supervisory authority in the Alabama correctional system.

5. Stanley Frazer is the Director of the Alabama State Personnel Board. Under Title 55, §303, Code of Alabama 1940 (Recomp. 1958), he is given general supervisory responsibility for setting requirements for state merit positions. Such responsibility is exercised after consultation with the appointing officials and principal supervisory officials of the various state agencies.

6. The Alabama Personnel Board is empowered under Title 55, § 297, Code of Alabama 1940 (Recomp. 1958), to adopt, modify, or reject classifications and compensation plans as may be recommended to the Board by the State Personnel Director.

7. Ralph Adams, D. Kyser Wilson, and C. W. Anderson are the present members of the Alabama Personnel Board. Each is a citizen of the United States, over the age of 21, and a resident of Alabama.

8. The Alabama Peace Officers Standards and Training Commission (hereinafter referred to as the Commission) was created by the Alabama Legislature through Title 55, § 373(104), Code of Alabama 1940 (Recomp. 1958) (Cum. Supp. 1973). The Act creating the Commission prescribes minimum standards for applicants and appointees as law enforcement officers, § 373(109), and vests the Commission

with power to review and permit the use of higher standards, § 373(108)(c).

9. Walker Hobbie, E. L. Wright, Jr., Ernest Kentrell, A. E. Cooper, Richard Hearn, Taylor Wilkins, and James Jackson are the present members of the Alabama Peace Officers Standards and Training Commission. Each is a citizen of the United States, over the age of 21, and a resident of Alabama.

V. Facts

A. Plaintiff Mieth

1. Plaintiff Mieth is a 28 year-old female. She is 5 feet 6 inches tall and weighs 135 pounds.

2. She is a high school graduate and also has completed a one-year business college course.

3. She has 20 semester hours and 55 quarter hours towards a Bachelor's degree in Law Enforcement, in which she has maintained an A average.

4. On October 23, 1975, Plaintiff Mieth filed an application with the State Department of Personnel seeking employment with the Department of Public Safety as a State Trooper.

5. On that application, she listed her height as 5 feet 6 inches and her weight as 130 pounds.

6. Shortly thereafter, she received notification from the Alabama Personnel Department that her application for the position of State Trooper had been rejected because she failed to meet the minimum weight requirement. (*See* Attachment A.)

7. On November 3, 1974, Plaintiff Mieth met with Defendant Dothard to discuss the rejection of her application and possible waiver of the weight requirement.

8. Defendant Dothard told Plaintiff Mieth that she failed to meet both the height and weight requirements and therefore could not be employed as a State Trooper.

9. Defendant Dothard also stated that although he has no objections to women being hired into administrative positions with the State Trooper force, he did not want women out on the road on patrol because such a job was too dangerous for women to handle.

10. Plaintiff Mieth is fully qualified to serve the State of Alabama as a law enforcement officer, and the sole reason she has not been able to do is because of the arbitrary and sexually discriminatory practices and policies which permeate the Department of Public Safety.

B. Plaintiff Rawlinson

1. Plaintiff Rawlinson is a 22 year-old graduate of the University of Alabama.

2. In August, 1974, preparatory to receipt of her degree in December, Plaintiff Rawlinson filed an application with the State of Alabama Personnel Department for the position of Correctional Counselor Trainee.

3. On said application, Plaintiff Rawlinson listed her height as 5'2" and her weight as 110 pounds.

4. Plaintiff Rawlinson's application further reflected that, in December, 1974, she would receive her degree from the University of Alabama in psychology, with a concentration in correctional psychology.

5. After submitting her application, Plaintiff Rawlinson received a postcard from Defendant Personnel Department indicating that her application was unacceptable because of her weight. Plaintiff Rawlinson then wrote a letter to Defendant Personnel Department requesting a full explanation of her rejection.

6. In response, Defendant Personnel Department, by letter dated October 23, 1974, (*see* Attachment B) informed Plaintiff Rawlinson that her application for Correctional Counselor Trainee had been rejected because she did not meet the minimum weight requirements for law enforcement offi-

cers established under Alabama law.

7. Plaintiff Rawlinson then filed, in early November, 1974, a charge with the EEOC District Office in Birmingham, Alabama, alleging that said minimum height and weight requirements are sexually discriminatory.

8. In December 1974, Plaintiff Rawlinson did receive her degree in psychology from the University of Alabama, graduating with a cumulative grade point average of 2.0 on a 3.0 scale.

9. During her senior year, Plaintiff Rawlinson was selected to participate in a program sponsored by the University's Correctional Psychology Department, under which she did research in corrections and helped edit a journal on corrections. As a participant in said program, she worked in the Tuscaloosa Police Department from May 1974 to August 1974, assigned to the Juvenile Division where she assisted in investigation and patrol. From August 1974 to December 1974, also as a participant in said program, Plaintiff Rawlinson worked in the Tuscaloosa County Juvenile Probation Department, where she served as a probation officer.

10. Although desirous of working as a law enforcement officer with the State of Alabama since December 1974, Plaintiff Rawlinson has been unable to do so. The October 23, 1974, letter which she received from Defendant Personnel Department made it clear that the minimum height and weight requirements foreclosed her from successfully applying not only for the job of Correctional Counselor Trainee but also for any other job as a "law enforcement officer," including but not limited to police officer, deputy sheriff, deputy constable, and State Trooper.

11. Plaintiff Rawlinson, whose present weight is 115 pounds, is fully qualified to serve the State of Alabama as a law enforcement officer, and the sole reason she has not been able to do so is because of the State's arbitrary and sexually

discriminatory height and weight minimums.

VI. First Cause of Action

1. Title 55, § 373(109), Code of Alabama 1940 (Recomp. 1958), which establishes "minimum standards for applicants and appointees as law enforcement officers," provides in pertinent part as follows:

> (d) The applicant shall be not less than five feet two inches nor more than six feet ten inches in height, shall weigh not less than 120 pounds nor more than 300 pounds. . . .

2. For purposes of the above, "law-enforcement officer" is defined as "a policeman, deputy sheriff, deputy constable, and other official who has authority as such official to make arrests. It includes Alabama State Troopers or members of the State Department of Public Safety, and the Alabama Board of Corrections." Title 55, § 373(103).

3. Defendants use these statutory height and weight minimums in the selection of Correctional Counselor Trainees.

4. With respect to applicants for the position of State Trooper, defendants have promulgated regulations setting a minimum height and weight requirement of 5 foot nine inches and 160 pounds. (*See* Attachment C.)

5. Both the statutory and the regulatory height and weight minimums are used by defendants to reject female applicants.

6. The promulgation and use of minimum height and weight standards as criteria for employment has a disparate and discriminatory effect on female applicants.

7. The promulgation and use of minimum height and weight requirements has a chilling effect on potential female applicants.

8. The existence and use of minimum height and weight standards as criteria for employment discriminates against plaintiffs and the members of the class and subclasses on the

basis of their sex in violation of statutory rights guaranteed under 42 U.S.C. §§ 1983 and 2000e and in violation of constitutional rights guaranteed under the equal protection clause of the fourteenth amendment.

VII. Second Cause of Action

1. Plaintiffs reallege 1-7 of Paragraph VI.

2. The existence and use of minimum height and weight standards as criteria for employment violates statutory rights of the plaintiffs and members of the class and subclasses guaranteed by 42 U.S.C. §§ 1983 and 2000e and their constitutional right to due process of law under the fourteenth amendment.

VIII. Third Cause of Action

1. It is alleged upon information and belief that male applicants have been employed as State Troopers who did not meet the minimum height and weight standards as set forth by the Department of Personnel and the Department of Public Safety when they applied for the position.

2. It is further alleged upon information and belief that there are males presently serving as State Troopers who do not meet the minimum height and weight standards as set forth by the Department of Personnel.

3. The actions of the defendants in employing and continuing to employ male applicants who do not meet the minimum height and weight standards constitutes selective enforcement of a state regulation.

4. Such selective enforcement discriminates against Plaintiff Mieth and the members of her subclass on the basis of sex in violation of statutory rights guaranteed them by 42 U.S.C. § 1983 and of their constitutional rights under the equal protection clause of the fourteenth amendment.

IX. Fourth Cause of Action

1. It is alleged upon information and belief that defendants have maintained and continue to maintain a policy and

practice of refusing to hire women as State Troopers, solely on the basis of their sex.

2. It is alleged upon information and belief that there are no women presently employed as State Troopers.

3. Defendants' policy and practice of refusing to hire women as State Troopers, solely on account of their sex, discriminates against Plaintiff Mieth and the members of her subclass in violation of 42 U.S.C. § 1983 and the equal protection clause of the fourteenth amendment.

X. Relief

Plaintiffs and the class respectfully pray that this Court:

a. Issue its declaratory judgment that the promulgation and use of minimum height and weight standards by the defendants as criteria for employment is violative of the equal protection clause of the fourteenth amendment, the due process clause of the fourteenth amendment, and Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq.

b. Issue an injuction:

1. permanently restraining the defendants from enforcing the provisions of Title 55, § 373(109)(d), Code of Alabama 1940 (Recomp. 1958)(1973 Cum. Supp.);

2. permantly restraining the defendants from using any height and weight standards as criteria for employment.

Plaintiff Mieth and the subclass she represents respectfully pray that this Court:

a. Order the defendants to employ Plaintiff Mieth as a State Trooper.

b. Award Plaintiff Mieth back pay to the time of her application.

c. Issue its declaratory judgment that the employment practices of the defendants as regards State Troopers discriminate against women and that these defendants have engaged in a practice of sex discrimination in the recruitment and hiring of female State Troopers.

d. Award back pay to any women who have applied for the position of State Trooper but who were not hired because of the sexually discriminatory practices of the defendant.

e. Issue an injunction:

1. permanently enjoining the defendants from discriminating against women in employment as State Troopers;

2. permanently enjoining the defendants from using any employment selection criteria for State Troopers which have a disparate effect on women.

f. Order the defendants to employ one female State Trooper for each male hired until women make up 45% of the force.

g. Require that the defendants assign and promote all persons hired as State Troopers without regard to sex.

h. Require that the defendants immediately begin the use of recruiting materials and methods which stress the equal role of men and women in the State Trooper force.

Plaintiff Rawlinson and the members of her subclass respectfully pray that this Court:

a. Order the defendants to hire Plaintiff Rawlinson as a Correctional Counselor Trainee.

b. Award Plaintiff Rawlinson back pay from the date of her application.

c. Award back pay to any women who have been applicants for the position of Correctional Counselor but who were not hired because of the minimum height and weight standards.

Plaintiffs and the class respectfully pray that this Court grant such other and further relief as it may deem just and proper.

Respectfully submitted,
JOHN L. CARROLL
PAMELA S. HOROWITZ
JOSEPH J. LEVIN, JR.
MORRIS S. DEES

1001 S. Hull Street
Montgomery, AL 36104
ATTORNEYS FOR PLAINTIFFS

STATE OF ALABAMA)
MONTGOMERY COUNTY)

Before me, a Notary Public in and for the State of Alabama at Large, personally appeared Brenda Mieth, who, being duly sworn, deposes and says that she has read the foregoing Complaint and that the facts alleged therein are true and correct to the best of her information, knowledge and belief.

BRENDA MIETH

SWORN TO AND SUBSCRIBED before me
on this 8th day of December, 1975.
JACKIE L. ALEXANDER
Notary Public

STATE OF ALABAMA)
MONTGOMERY COUNTY)

Before me, a Notary Public in and for the State of Alabama at Large, personally appeared Dianne K. Rawlinson, who, being duly sworn, deposes and says that she has read the foregoing Complaint and that the facts alleged therein are true and correct to the best of her information, knowledge and belief.

DIANNE K. RAWLINSON

SWORN TO AND SUBSCRIBED before me
on this 8th day of December, 1975.
JACKIE L. ALEXANDER
Notary Public

Title of Position State Trooper

Class Code

You must stamp this card if you wish to be notified that your application is accepted.

Do Not Detach Cards

Your Name Brenda Mieth

Your Address c/o 4048A Amesbury

Montgomery, Alabama 36111

Print or type your name and address, class code, and title of position for which you are applying.

STATE OF ALABAMA—STATE PERSONNEL DEPARTMENT

[] Your application has been accepted for the position checked on the other side of this card, and you will be notified later of the exact time and place of the examination.

[X] Your application for the position listed on the other side of this card is not acceptable in its present form for the reasons checked below:

1. [] It does not indicate that you have had the required experience. If you have had the experience but neglected to indicate it, we will be glad to consider your application if you will submit the supplementary information immediately.
2. [X] It does not show that you meet the minimum educational requirements. Weight
3. [] Your application reached us too late for you to be scheduled for the examination.
4. []

ATTACHMENT A

October 23, 1974

Miss Dianne K. Rawlinson
1701 University Boulevard B-10
Tuscaloosa, Alabama 35401

Dear Miss Rawlinson:

The position of Correctional Counselor Trainee falls under the prescribed minimum standards for law enforcement officers as established by Alabama Law, Section 1981, dated September 20, 1971. This law (Section 7, paragraph d) states that "the applicant shall not be less than five feet two inches or more than six feet ten inches in height, shall weigh not less than 120 pounds, nor more than 300 pounds - - - - -".

Since you do not meet the minimum weight requirements as stated above, we regret that it was necessary to turn down your application for Correctional Counselor Trainee.

You did not state what other positions you applied for, but if no physical requirements were specified in the qualifications for these positions, they do not fall under the minimum standards act mentioned above.

We appreciate your interest in employment with the State of Alabama and if we can be of assistance to you in any way, please advise.

Sincerely yours,
Alvin C. Ford
Examination Technician

ACF/ea

ATTACHMENT B

FINGERPRINT CLASSIFIER (7101) Salary Range—$7,397 - $9,477

Kind of Work This employee classifies fingerprints and records classifications according to prescribed formulas; files fingerprint cards according to classification code; maintains fingerprint files; searches files for classification data and comparative purposes; indexes records using a soundex system; files and pulls records according to a soundex number; searches files for information in response to requests from other agencies; corresponds with law enforcement agencies in order to exchange identification information; takes and develops photographs of fingerprints; performs related work as required.

Qualifications Any combination of training and experience equivalent to graduation from a standard senior high school, supplemented by completion of a standard course in fingerprint classification or at least six months of closely supervised on-the-job training in fingerprint classification work.

Kind of Exam Written Test.

STATE TROOPER (7221) Salary Range—$8,749 - $10,907

Kind of Work A State Trooper enforces state laws and regulations, especially traffic laws. He patrols an assigned area in a patrol car; uses two-way telephone equipment; gives assistance to motorists; stops trucks to determine compliance with state and federal regulations; directs traffic, investigates accidents, gives first aid and safeguards property; investigates crimes or complaints, makes reports of findings; arrests law violators; appears in court as a witness; assists other law enforcement agencies; gives directions to tourists; watches for and corrects or reports hazards to safe driving. He may administer drivers' license examinations or do other police work as required.

Qualifications Graduation from a standard senior high school or GED Certificate. Possession, upon appointment, of a valid Alabama driver's license. Each applicant must pass a physical examination equivalent to that established by the U. S. Army; must be at least 5 feet, 9 inches in height without shoes; minimum weight at least 160 pounds without clothing, other weights proportionate to height; must have sound teeth and vision correctible to 20/20, free from color blindness; must be at least 21 years of age by the date of examination but must not have reached his 36th birthday at the time of appointment; **must show on his application that he has never been convicted of a felony or a misdemeanor involving either force, violence, moral turpitude or serious traffic violations. NOTE!** A pattern of traffic violations such as reckless driving, speeding, failure to yield the right-of-way, etc., will constitute grounds for rejection from examination or removal from the eligible register. **All law violations of whatever nature must be reported, as all candidates will be fingerprinted and thoroughly investigated before being appointed.**

Kind of Exam Written Test.

SECURITY OFFICER 1 (7271) **Salary Range—$7,111 - $9,126**

Kind of Work This is routine security work in protecting state property and maintaining the security of state institutions. An employee in this class is responsible for patrolling a state institution to protect and guard property or persons from fire, theft, trespass or other hazards. He patrols a state mental institution, watches for fires, prowlers, vandalism, or other unusual occurrences; makes rounds of buildings and punches time clock periodically, or makes other reports as required; and performs related work as required.

Qualifications Graduation from a standard senior high school or GED equivalency. Possession of a valid Alabama driver's license. Freedom from physical defects, particularly in hearing, vision, or members to enable quick action and movement. Minimum height 5 feet, 2 inches, maximum height 6 feet, 10 inches; minimum weight 120 pounds, maximum weight 300 pounds at time of appointment, with height and weight in reasonable proportion. Minimum age 20½, maximum age 45 at time of appointment. Applicant must complete 240 hours of formal police training in a recognized police training school as defined by the Alabama Peace Officer's Standards and Training Act prior to the expiration of their probationary period.

Kind of Exam Written Test.

ATTACHMENT C

Caption of Request Omitted*

REQUEST FOR PRODUCTION

Come now the plaintiffs and request that Defendants Judson Locke and Stanley Frazer, produce and permit plaintiffs, through their undersigned counsel, to inspect and copy the following documents:

1. All written tests utilized for selecting persons for the position of (a) Correctional Counselor, (b) Correctional Counselor Trainee, and (c) Correctional Officer.

2. All literature, including written orders or directives, describing any physical testing procedure utilized in selecting persons for the position of (c) Correctional Counselor, (b) Correctional Counselor Trainee, and (c) Correctional Officer.

3. All literature describing the duties to be performed by (a) Correctional Counselor, (b) Correctional Counselor Trainee, and (c) Correctional Officer, including but not limited to the merit system job description.

4. All literature outlining the physical requirements for employment in the position of (a) Correctional Counselor, (b) Correctional Counselor Trainee, and (c) Correctional Officer.

5. All literature, including written orders or directives, which describe any physical testing which occurs after employment as a (a) Correctional Counselor, (b) Correctional Counselor Trainee, and (c) Correctional Officer.

Respectfully submitted,

JOHN L. CARROLL
PAMELA S. HOROWITZ
JOSEPH J. LEVIN, JR.
MORRIS S. DEES
1001 S. Hull Street
Montgomery, AL 36104
ATTORNEY FOR PLAINTIFFS

*Certificate of Service Omitted

Caption of Interrogatories Omitted*

INTERROGATORIES

Plaintiffs request that defendants Judson Locke and Stanley Frazer, or either of them, answer under oath, in accordance with Rule 33 of the Federal Rules of Civil Procedure, the following Interrogatories:

1. List every facility operated by the Board of Corrections wherein (a) Correctional Counselors, (b) Correctional Counselor Trainees, and/or (c) Correctional Officers are assigned and state that facilities' function.

2. Describe in detail the procedure and criteria utilized for selecting persons for the position of (a) Correctional Counselor, (b) Correctional Counselor Trainee, and (c) Correctional Officer.

3. List, by name, each person currently employed by the Board of Corrections in the position of (a) Correctional Counselor, (b) Correctional Counselor Trainee, and (c) Correctional Officer as of December 31, 1975, and provide the following information:

a. Sex
b. Present height
c. Present weight
d. Date of hiring
e. Weight as listed by the employee on his/her application for employment
f. Height as listed by the employee on his/her application for employment
g. Educational background
h. The facility to which the employee is assigned
i. The employee's specific job within the facility
j. Examination rating at the time of employment

4. If any tests of physical skills are utilized in the procedure described in 2 above, describe those tests.

5. Are periodic evaluations made of persons employed as (a) Correctional Counselors, (b) Correctional Counselor Trainees, or (c) Correctional Officers which involve physical testing.

6. If the answer to 5 is yes, describe the physical testing and state at what intervals such testing occurs.

7. List, by name, the sex, height, weight, and examination score of all persons currently on the eligibility list for certification as (a) Correctional Counselor, (b) Correctional Counselor Trainee, and (c) Correctional Officer.

Respectfully submitted,
JOHN L. CARROLL
PAMELA S. HOROWITZ
JOSEPH J. LEVIN, JR.
MORRIS S. DEES
1001 S. Hull Street
Montgomery, AL 36104
ATTORNEYS FOR PLAINTIFFS

* Certificate of Service Omitted

Caption of Answer to Interrogatories Omitted*

ANSWERS TO INTERROGATORIES

Comes now, Judson C. Locke, and for answer to the interrogatories propounded on February 3rd, says as follows:

1. The facilities operated by the Board of Corrections wherein (a) Correctional Counselors, (b) Correctional Counselor Trainees, and/or (c) Correctional Officers are assigned, and the functions of each facility are as follows:

A. *Draper Correctional Center.* A maximum security institution designed to accommodate adult male offenders in any custody classification and in any medical status.

B. *Frank Lee Youth Center.* A minimum security institution designed to accommodate youthful adult male offenders assigned minimum custody classification in regular or light duty medical status. Inmates assigned there must

be first felony offenders, under 24 years of age, and serving a sentence of 10 years or less.

C. *G.K. Fountain Correction Center.* A maximum security institution designed to accommodate adult male offenders in any custody classification in either regular or light duty medical status.

D. *Holman Prison.* A maximum security institution designed to accommodate adult male offenders in any custody classification or medical status. High security risk and severe management problem inmates are usually confined at this institution.

E. *Julia Tutwiler Prison.* A maximum security institution designed to accommodate adult female offenders in any custody classification or medical status.

F. *Kilby Corrections Facility.* A maximum security institution designed to accommodate adult male offenders in any custody classification or medical status. Kilby is also the Central Classification and Medical Facility of the Alabama Prison System.

G. *Number Four Honor Camp.* A minimum security institution designed to accommodate adult male offenders in minimum custody classification in regular duty medical status.

H. *Work Release Centers.* Minimum security institutions designed to accommodate adult offenders in a minimum custody classification in regular duty medical status. They are as follows:

(1) Birmingham Work Release
(2) Childersburg Work Release
(3) Mobile Work Release
(4) Atmore Work Release/Pre-release
(5) Draper Work Release
(6) Wetumpka Work Release
(7) Number Four Pre-release
(8) Alexander City Work Release

2. Procedure and criteria utilized for selecting persons for the position of (a) Correctional Counselor, (b) Correctional Counselor Trainee, and (c) Correctional Officer are as follows:

A. *Correctional Counselor Trainee.* When a position opens, the Board of Corrections requests a register from the State Personnel Office, and those on a continuing list are certified to the Board of Corrections. If the position is for one, three names are sent and if it is for more than one, one extra name is attached for each additional position.

To be placed on the list, applicants are graded on experience and education as stated in their application and must meet the physical and educational qualifications of the classification. (See Exhibit I)

Upon certification of the list to the Board of Corrections, a letter is sent to all those on the list and request is made for a reply as to whether they are available for the position. Upon reply to the letters, an appointment is made with the warden of the institution for an interview by the applicant.

Following all of the interviews, the decision of employment is made based upon qualifications and institutional needs.

Administrative Regulation Number 204 further allows for selective certification under certain circumstances (Exhibit "II").

B. *Correctional Counselor.* Correctional Counselor is a promotional rank from that of the Correctional Counselor Trainee. The requirements basically are completion of 240 hours at the police academy and 80 hours of training in the corrections field.

The rest of the program consists of on-the-job training at the institution where the Correctional Counselor will be employed, (Four and one-half months) where they become exposed to all facets of the correctional system at that insti-

tution.

Upon completion of this program, the person is certified to the State Personnel Board as completing the program and the State Personnel Board grades him; and, if eligible, he is promoted to Correctional Counselor.

3. See Exhibit "III".

4. Any tests of physical skills which are utilized in the procedure described in 2 above are as follows:

Every Correctional Counselor Trainee is required to take a physical examination before he is employed. See also Exhibit IV which is the basic Correctional Curriculum.

5. Yes.

6. Physical testing of Correctional Personnel is limited to a physical examination upon employment as well as other physical testing after employment, such as whether or not the officer is able to complete the police officers training course, and performance of his or her duties during and at the end of his or her probationary period.

7. See Exhibit "V".

Respectfully submitted,
WILLIAM J. BAXLEY
ATTORNEY GENERAL
LARRY R. NEWMAN
ASSISTANT ATTORNEY GENERAL
DAVID G. FLACK
ATTORNEY FOR BOARD OF CORRECTIONS
COUNSEL FOR DEFENDANTS

ADDRESS OF COUNSEL
250 Administrative Building
Montgomery, Alabama 36130

* Certificate of Service Omitted

EXHIBIT I

CORRECTIONAL COUNSELOR TRAINEE

DEFINITION

This is correctional work of a training nature in developing skills and techniques in the custody and rehabilitation of inmates in a State Correctional Institution.

An employee in this class participates in formal and on-the-job training courses to develop skills and techniques in the custody and rehabilitation of inmates in a State Correctional Institution. Work involves instructions in self-defense, use of firearms, law, and sociology applicable to inmates in confinement. Initial work assignments will be of a routine nature under direct supervision of a superior. Work is reviewed by supervisors through personal observation, inspections, and reports.

EXAMPLES OF WORK PERFORMED

Receives 240 hours of formal law enforcement training at one of the state police academies.

Participates in security and discipline of inmates during various activities within the institution.

Participates in searches and inspections of inmates and institutional grounds for violations of rules and regulations.

Assists and participates in the movement and supervision of inmates assigned to work in prison kitchens, shops, mills, laundries, or on farms.

Studies individual and group inmate behavior and control measures to avert physical harm to persons and property.

Assists in recapture of escaped prisoners.

Assists in counseling of inmates regarding personal problems, educational and vocational opportunities and work assignments.

Performs related work as required.

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES

Ability to develop skills in the care and use of firearms.

Ability to assimilate the purpose of the correctional program including discipline and rehabilitation of inmates.

Ability to develop skills to control, direct and counsel inmates individually and in groups.

Ability to understand and explicitly follow written and oral instructions.

Ability to remember names and faces.

Ability to meet special requirements of good reputation and character, emotional stability and freedom from physical defects.

QUALIFICATIONS

Graduation from a standard senior high school. (GED certificate acceptable).

NECESSARY SPECIAL REQUIREMENTS

Possession at time of appointment of a valid driver's license issued by the Alabama Department of Public Safety.

Physical examination at time of appointment.

Freedom from physical defects, particularly in hearing, vision, or members, to enable quick action and movement in the custody of inmates.

Minimum height 5 feet, 2 inches, maximum height 6 feet, 10 inches; minimum weight 120 pounds at time of appointment; maximum weight 300 pounds.

Minimum age 20½; maximum age 44½ at time of appointment.

Approved: 6/29/73

CORRECTIONAL COUNSELOR I

DEFINITION

This is routine penal work utilizing skills and techniques in custody and social rehabilitation of inmates in a state correctional institution.

Employees in this class have responsibility for the maintaining of order and discipline, the prevention of escape, and

the supervision of work activities of inmates. Employees perform beginning level advisory and counseling duties; counsel inmates in orientation and adjustment to institutional confinement, personal problems, educational and vocational opportunities and work assignments. Performs security at gates, wall towers, cell blocks, dining halls, and work areas inside and outside of prison walls. While assignments are generally of a routine nature, work is regulated by standing orders and is subject to constant supervision and inspection.

EXAMPLES OF WORK PERFORMED

Patrols prisons and prison yards; stands watch in halls, at gates, or in wall towers; makes regular reports to superiors.

Supervises and keeps order among prisoners assigned to work in prison kitchens, shops, mills, laundries, or on farms.

Enforces regulations covering sanitation and personal care.

Inspects all traffic into and out of prison proper.

Maintains constant watch for and reports unusual conditions or disturbances, keeps firearms in readiness for use if necessary; takes required action in emergencies to prevent escapes or suppress disorder; assists in recapture of escaped prisoners.

Explains to inmates, rules, procedures and services available at correctional institutions; counsels individual inmates regarding personal problems, educational and vocational opportunities and work assignments.

Evaluates inmate behavior and adjustment to a correctional environment; submits evaluation reports.

Instructs inmates in personal hygiene, discipline and proper etiquette.

Performs related work as required.

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES

Some knowledge of the psychological concepts of behavior, social adjustment, and emotional stability.

Some knowledge of modern principles of criminology and penology.

Some knowledge of modern principles and practices of counseling and psychology.

Skill in the care and use of firearms.

Ability to exercise mature judgment in the discipline and supervision of inmates.

Ability to control inmates individually and in groups.

Ability to remember names and faces.

Ability to act quickly and alertly in an emergency.

Ability to communicate effectively and to follow written and oral instructions.

QUALIFICATIONS

Any combination of training and experience equivalent to:

Graduation from a standard senior high school supplemented by satisfactory completion of 240 hours of police training at a recognized police training school.

NECESSARY SPECIAL REQUIREMENTS

Possession at time of appointment of a valid driver's license issued by the Alabama Department of Public Safety.

Approved: 6-29-73

CORRECTIONAL OFFICER

DEFINITION

This is routine penal work in maintaining the security and custody of inmates in a state prison.

Employees in this class have responsibility for the maintenance of order and discipline, the prevention of escape, and the supervision of work activities among prisoners on an assigned shift. Employees are assigned to gates, wall towers, cell blocks, dining halls, and work areas inside and outside prison walls. While assignments are generally of a routine nature, work is regulated by standing orders and is subject

to constant supervision and inspection.

EXAMPLES OF WORK PERFORMED

Patrols prisons and prison yards; stands watch in halls, at gates, or in wall towers; makes regular reports to superiors.

Supervises and keeps order among prisoners assigned to work in prison kitchens, shops, mills, laundries, or on farms.

Assists in feeding prisoners and enforcing regulations covering sanitation and personal care.

Takes periodic counts of prisoners in cell blocks or on work details.

Inspects all traffic into and out of prison proper.

Maintains constant watch for, and reports unusual conditions or disturbances; keeps firearms in readiness for use if necessary; takes required action in emergencies to prevent escapes or suppress disorder.

Assists in recapture of escaped prisoners.

Performs related work as required.

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES

Ability to exercise mature judgment in the discipline and supervision of persons under restraint.

Ability to control inmates individually and in groups.

Ability to remember names and faces.

Ability to act quickly and alertly in an emergency.

Ability to follow written and oral instructions.

Skill in the care and use of firearms.

QUALIFICATIONS

Any combination of training and experience equivalent to:

Graduation from the eighth school grade.

NECESSARY SPECIAL REQUIREMENTS

Possession at time of appointment of a valid driver's license issued by the Alabama Department of Public Safety.

Physical examination at time of appointment.

Freedom from physical defects, particularly in hearing,

vision, or members, to enable quick action and movement in the custody of inmates.

Minimum height 5 feet, 6 inches; minimum weight 130 pounds at time of appointment.

Minimum age 21, maximum age 55 at time of examination.

Revised: December, 1970

CORRECTIONAL OFFICER I (FEMALE)

DEFINITION

This is custodial and guidance work involving the custody, discipline, and rehabilitation of socially maladjusted women committed to the state women's prison.

Work involves responsibility for custody of female penal inmates and for instructing and supervising them in their daily work. Duties require the exercise of independent judgment in the conduct of work activities and an ability to maintain harmonious relationships under difficult circumstances. Employees are assigned to definite posts, and work is performed under close supervision and in accordance with established procedures and policies.

EXAMPLES OF WORK PERFORMED

Supervises inmates in cleaning, laundry, and general housekeeping duties such as making beds, dusting, and mopping.

Makes general inspections of prison units for sanitary conditions and execution of assigned tasks.

Observes the conduct, dress, manners, speech, and personal appearance of inmates and guides them in correcting or improving such characteristics.

Confers with prison authorities on difficult discipline problems.

Makes provision for inmates' food, clothing, and medical attention.

Supervises the preparation and serving of meals in a kitchen and dining room and instructs inmates in keeping the kitchen department clean.

Supervises the indoor and outdoor recreation of inmates.

Insures that inmates are locked in at night, that lights are out, and that inmates are in bed at proper time.

Supervises visits with inmates.

Supervises inmates in the care of grounds about the buildings.

Performs related work as required.

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES

Working knowledge of the methods, materials, and equipment used in institutional housekeeping.

Ability to enforce rules, regulations, and disciplinary measures with firmness and impartiality.

Ability to supervise a group of women inmates and secure their cooperation in the execution of assigned tasks.

Working knowledge of the methods and objects of discipline required for persons under restraint.

Ability to gain and hold the confidence of, and to maintain a sympathetic attitude toward, female criminal offenders.

Ability to act quickly in emergencies.

Freedom from serious physical defects and agility and physical strength to enable proper custody of inmates.

QUALIFICATIONS

Any combination of training and experience equivalent to:

Graduation from a standard senior high school.

Considerable experience in group work, some of which shall have been in a supervisory character.

NECESSARY SPECIAL REQUIREMENT

Minimum age limit: 23 years; maximum age, 51 years.

Revised: July 2, 1970

EXHIBIT II

STATE OF ALABAMA

BOARD OF CORRECTIONS

February 13, 1976

ADMINISTRATIVE REGULATION

NUMBER 204

Selective Certification

Correctional Counselor I Positions

I. GENERAL

1. The purpose of this regulation is to establish policy and procedure for identifying and designating institutional Correctional Counselor I positions which require selective certification for appointment of either male or female employees from State Personnel Department registers.

2. Appointment of employees for Correctional Counselor I positions are initially made from the Correctional Counselor Trainee register. They remain in a Trainee status for six months, at the end of which time they are promoted to Correctional Counselor I if they have satisfactory completed all phases of their training.

3. The policies and procedures established by this regulation have been coordinated with the Director of the State Personnel Department.

II. POLICY

4. All Correctional Counselor I positions will be evaluated to identify and designate those which require selective certification for appointment of either a male or female employee. Such positions must fall within a bona fide occupational qualification stated in Title 45-2000C of the United States Code as interpreted by the General Council of the Equal Employment Opportunity Commission's letter dated January 13, 1976, attached as Annex A.

5. Selective certification from the Correctional Counselor Trainee register will be requested of the State Personnel Department whenever a position is being filled which has been designated for either a male or female employee only.

6. The Commissioner has final authority to approve the designation of an institutional Correctional Counselor I position which requires selective certification.

7. The Associate Commissioner for Administration is responsible for requesting all Correctional Counselor Trainee registers from the State Personnel Department.

III. PROCEDURE

8. Institutional Wardens and Directors will identify each institutional Correctional Counselor I position which they feel requires selective certification and will request that it be so designated in writing to the Associate Commissioner for Administration for his review, evaluation, and submission to the Commissioner for final decision.

9. The request will contain the exact duties and responsibilities of the position and will utilize and identify the following criteria to establish that selective certification is necessary:

A. That the presence of the opposite sex would cause disruption of the orderly running and security of the institution.

B. That the position would require contact with the inmates of the opposite sex without the presence of others.

C. That the position would require patroling dormitories, restrooms, or showers while in use, frequently, during the day or night.

D. That the position would require search of inmates of the opposite sex on a regular basis.

E. That the position would require that the Correctional Counselor Trainee not be armed with a firearm.

10. All institutional Correctional Counselor I positions which are not approved for selective certification will be filled from Correctional Counselor Trainee registers without regard to sex.

IV. APPLICATION

11. The policies and procedures established by this regulation do not affect current appointments in Correctional Counselor classes nor does it affect the power of the Commissioner to hire or discharge any employee.

V. REFERENCES

12. Title 45-2000C, United States Code

13. Letter from the General Council of the Equal Employment Opportunity Commission.

J. C. Locke, Jr.
Commissioner

Annex A—(Same as No. 13)

Mr. J. C. Locke, Jr.
Commissioner
State of Alabama
Board of Corrections
Montgomery, Alabama 36104

Dear Commissioner Locke:

We have received your letter dated October 6, 1975 requesting an advisory opinion with regard to hiring only female correctional counselor trainees to work in all-female prisons, and only male correctional counselor trainees to work in all male prisons.

We have noted in your letter that you are being funded by the Law Enforcement Assistance Administration (LEAA) to hire and provide training for correctional counselor trainees; that male correctional counselor trainees who are employed at all-female prisons are in non-contact slots (outergate and tower), and female correctional counselor trainees

who are employed at all-male prisons are in non-contact slots (outergate and tower); that the job at issue calls for frequent inspection and patrol of restrooms and showers thereby invading the privacy of prisoners, and would place female employees in all-male prisons in danger of sexual or other attack due to sexual deprivation; that no firearms are carried by correctional counselors or security personnel; and that there is a low ratio of security personnel to inmates.

Please note that this letter is not an opinion letter pursuant to 29 C.F.R. §1601.30.

Section 703(e) of Title VII of the Civil Rights Act of 1969, as amended, 42 U.S.C. 2000e-2(e), states as follows:

> Notwithstanding any other provision of this title, (1) it shall not be an unlawful employment practice for an employer to hire and employ employees on the basis of sex . . . in those certain instances where . . . sex . . . is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business enterprise. . . .

The regulation at 29 C.F.R. §1604.2, 37 F.R. 6836 (April 5, 1972) states as follows:

> (a) The Commission believes that the bona fide occupational exception as to sex should be interpreted narrowly. Labels — 'men's jobs' and 'women's jobs' — tend to deny employment opportunities unnecessarily to one sex or the other.
>
> (1) The Commission will find that the following situations do not warrant the application of the bona fide occupational qualification exception:
>
> (i) The refusal to hire a woman because of her sex based on assumptions of the comparative employment characteristics of women in general. For example, the assumption that the turnover rate among women is higher than among men.

(ii) The refusal to hire an individual based on stereotyped characteristics of the sexes . . . The principle of non-discrimination requires that individuals be considered on the basis of individual capacities and not on the basis of any the group.

(iii) The refusal to hire an individual because of the preferences of co-workers, the employer, clients or customers except as covered specifically in subparagraph (2) of this paragraph.

Many courts have interpreted the statute and regulations dealing with sex discrimination and the B.F.O.Q. exception.

Relevant Case Law

In cases analagous to the one at issue, courts have held that employers may rely upon the B.F.O.Q. exception in order to employ or to assign like-sexed employees to work with inmates in correctional institutions.

There are several cases which you should examine which are helpful in the analysis of the question you raise.

In *Long v. State Personnel Board*, Calif. Ct. App. 116, No. Cal. Rptr. 562 (1974), 8 EPD Para. 9745, the court held that under Title VII,[1] there was no sex discrimination, due to application of the B.F.O.Q. exception, where the state refused to hire a female chaplain to work at an all male youth correctional institution. The Court said that generally there are three overall interests to consider: plaintiff's interest, the wards' interest and the public interest. The Court considered the safety problem for the female chaplain who would be counselling, frequently, quite far away from male employees, youths whose average age was 19½ and whose physical control could not be guaranteed. The Court also considered the element of privacy of the inmates who lived in various

[1] The Court also found no violation under the Federal or State constitutions.

states of undress in their dormitories where the chaplain would be expected to be from time to time. Also see *City of Philadelphia v. Pennsylvania Human Relations Commission* 7 Pa. Commonwealth 500, 300 A2d 97 (1973), 5 EPD Para. 8538, where the Court held that under a state law where the definition of B.F.O.Q. was intended to be the same as the one under Title VII, the state must grant the City of Philadelphia a B.F.O.Q. exception for youth center supervisor jobs, allowing the city to hire only like sexed supervisors for single sexed youth correctional institutions. In this case, although the Court discussed and was concerned about danger to employees and the privacy of the inmates it was also concerned about the age of the inmates and their special counselling and privacy needs.

In *Reynolds v. Wise*, 375 F.Supp. 147 (N.D. Texas 1974) 8 EPD Para. 9778, the Court held that a female employee at a state correctional institution for adult males had to be returned to her job in the mail room which had previously been filled by a man who was given a rotation every six months, which rotation involved counselling and other contact with the inmates. The female was to be given these extra assignments when returned to her previous mail room job in order to prepare her for promotions, but the Court also noted the following:

> Selective work responsibilities among correctional officers excluding from the duties of women assignment to dormitories or shake-down is reasonable to insure privacy of inmates and does not discriminate against women. *Reynolds v. Wise, supra* at 151.

In those cases discussing correctional work done outside an institutional setting, the Courts examine the nature of the work. In *Button v. Rockefeller*, 6 EPD Para. 8835, (N.Y. Sup. Ct. Sept. 10, 1973) a case brought under the New York Executive Law Section 296, the Court held that the State's

hiring of four women as state troopers whose scores were below the scores of a male applicant, was not discriminatory because women were needed in order to search other women and do undercover work. On the other hand, the Court in *Tracey v. Oklahoma, Dept. of Corrections*, 8 EPD Para. 9713 (W.D. Okl. May 23, 1974) found that there was nothing in the nature of the jobs as probation or parole officers which would justify using separate hiring lists. The Court found that these jobs did not fit within the B.F.O.Q. exception.

Although not concerning correctional officers, also of relevance to the question you raise is the case of *Hodgson v. Robert Hall Clothes, Inc.*, 473 F.2d 589 (3rd Cir. 1973) 5 EPD Para. 8434, *cert. denied* 414 U.S. 866 (1973), 6 EPD Para. 8861, wherein one question was whether or not the Equal Pay Act was applicable in a situation where sex-segregated job classifications were permissible as a B.F.O.Q. The Appellate Court noted the finding by the District Court that there was a valid reason for having a sex segregated sales force, which was "the frequent necessity for physical contact between the sales persons and the customers which would embarrass both and would inhibit sales unless they were of the same sex." *Hodgson v. Robert Hall Clothes, Inc., supra* at 592 citing District Court opinion at page 1269.[2]

Conclusion And Recommendations

The statute, regulations and cases under Title VII suggest that you carefully evaluate each assignment in order to determine whether the B.F.O.Q. exception would apply. Some guidelines for you to consider when making your determination are as follows: the public interest and the interest of

[2] But see **Cianciolo t/a Galaxy Massage Parlor v. Members of City Council, Knoxville, Tennessee** 376 F.Supp. 719 (E.D. Tenn. 1974), 8 EPD Para. 9708 where the Court found that the city ordinance prohibiting bisexual massages was in conflict with Section 703 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-2.

employees in minimizing danger, and the interest of the inmates in their own personal privacy. It is suggested that the State of Alabama, wherever possible, continue to employ male correctional personnel at all-female correctional institutions. Wherever possible, these employees should be given the opportunity to perform their work with the state's firm guidance on curtailment of assignments which endanger the employees, the public and/or invade the personal privacy of the inmates. Since counselling should be stressed in order to upgrade the jobs involved, it is suggested that you can provide areas where employees and inmates can benefit from this part of the work, without regard to the sex of the employee or inmate.

If you need further information in the future, please do not hesitate to write again or to call.

Sincerely,
Abner W. Sibal
General Counsel

EXHIBIT III

CO - Correctional Officer CC- Correctional Counselor CCT - Correctional Counselor Trainee

NAME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION	Education
Jessie E. Bowdoin	CC I	#4 Honor Camp	9/11/74	78.8	M	5'81/2"	180	HSGrad
Ocie F. Dennis	CO	"	1/11/56		M	5'9"	155	8th
William F. Gray	CO	"	7/23/63		M	5'11"	170	10th
McArthur Harvey	CCT	"	11/20/75	77.43	M	6'1"	215	1yr.Col
Edwin L. Henry	CC I	"	8/14/74	83.64	M	6'5"	205	BachDeg
Wayne Justiss	CC I	"	6/28/72	78.90	M	6'0"	160	HSGrad.
Horace C. Moore	CC I	"	9/19/73	75.00	M	6'2"	200	HSGrad/
Roy L. Pilgrim	CO	"	4/12/72		M	5'11"	165	10th
Jodie L. Pilgrim	CO	"	2/14/75		M	5'10"	190	8th
James H. Bettis	CO	ChildersburgW.R.	2/13/74		M	6'0"	235	11th
Bobby W. Bowling	CC I	"	4/2/74	70.00	M	5'4"	150	HSGrad
John B. Camp	CC I	"	10/9/74	71.88	M	5'9"	190	HSGrad
Howard A. Daniels	CCT	"	10/16/75	87.68	M	6'3"	185	3yrCol
Marie Heath	CC I	"	3/27/74	73.81	F	5'7"	160	BusTra
Rita T. Ingram	CC I	"	12/18/74	72.51	F	5'3"	123	GED
Hershel L. McCain	CO	"	2/6/74		M	5'9"	215	9th
Larry M. Britton	CC I	Alex City P.R.	9/4/74	75.00	M	5'8"	170	HSGrad
Mark A. Frank	CC I	"	9/25/74	74.07	M	5'10"	201	3yrCol
Earnest L. Harrelson	CC I	"	8/28/74	71.17	M	5'10"	230	1yrCol
Randal L. Lucas	CC I	"	9/11/74	70.00	M	5'9"	185	HSGrad
Thomas E. Martin	CC I	"	11/20/74	75.00	M	5'10"	195	HSGrad
Robin F. Reynolds	CC I	"	9/25/74	71.53	M	5'11"	177	1½yrCol
Charles H. Simmons	CCT	"	9/15/75	83.64	M	5'11"	160	B.A.
Opal A. Harden	CO IF	"	4/12/72		F	5'7"	165	11th
Annie K. Holt	CC I	"	10/9/74	78.13	F	5'7"	125	3yrCol
Phillips, Ida M.	CO IF	"	5/26/71		F	5'2"	165	HSGrad
Robbins Betty Jo	CC I	"	9/13/72	80.76	F	5'4"	165	HSGrad
Stewart Cynthia R.	CC I	"	5/27/74	74.76	F	5'5"	130	3yrcol
Clayton Joyce A.	CCT	Montg.W.R.	7/30/75	78.64	F	5'6"	134	B.A.
Johnson Aldean	CCT	"	12/17/75	83.64	M	6'2"	210	B.A.
Johnson Lee E.	CCT	"	7/30/75	79.58	M	5'11"	165	B.A.
McCurdy Gwendolyn	CCT	"	12/3/75	78.64	F	5'4"	120	B.A.
Parrish Kathy M.	CCT	"	12/3/75	78.64	F	5'7"	130	B.A.
Potts Eugene D.	CCT	"	12/10/73	88.37	M	5'11"	195	HSGrad
Tolbert Peggy A.	CCT	"	10/22/75	78.64	F	5'2"	150	B.A.
Carr Wendell H.	CCT	Atmore P.R.	2/12/75	78.64	M	6'0"	205	B.A.
Weaver Ronald L.	CC I	"	10/16/73	70.81	M	5'8½"	155	HSGrad
Williams Clifford F.	CC I	"	8/2/71	72.39	M	5'11"	200	HSGrad
Witherspoon Mary L.	CCT	"	4/2/75	78.84	F	5'7"	200	B.A.
~~Benjamin James L.~~	~~CO~~	~~CETA~~	~~11/14/75~~		~~M~~			HSGrad
Cloud Richard	CO	"	11/5/75		M			HSGrad

NAME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION	ED.
~~Easterling Oscar R.~~	~~CO~~	~~CETA~~	~~12/9/75~~		~~M~~	~~6'4"~~	~~285~~	10th
Garrett R.E.	CO	"	10/20/75		M	5'6"	154	6th
Haynes Richard C.	CO	"	11/3/75		M	5'3"	162	10th
Holt Ivan	CO	"	10/30/75		M			HSD
Hopper Donald R.	CO	"	9/25/75		M	5'11"	234	HSD
Parker Ralph	CO	"	10/6/75		M	5'9"	163	9th
Richardson James C.	CO	"	12/15/75		M	5'7"	184	11th
Smith Willie C. Jr.	CO	"	11/25/75		M			HSD
Spellman Patrick	CO	"	10/8/75		M			HSD
Williams Hilton O.	CO	"	10/15/75		M	6'3"	200	GED
Worthey Paul E.	CO	"	10/20/75		M	5'11½"	183	HSD
Aldridge Wilbur	CO	Kilby C.F.	9/23/59		M	5'11"	198	9th
Allen Carlin	CO	"	7/23/73		M	5'6"	175	HSD
Anderson Darcy L.	CO	"	2/16/73		M	6'0"	225	9th
Averette James W.	CCT	"	3/7/66	100.00	M	6'0"	175	HSD
Baker Ray T.	CC I	"	5/22/74	91.00	M	5'11"	185	4yrCol
Bennette Robert L.	CC I	"	7/10/74	70.61	M	6'0"	230	HSD
Best Hillery V.	CO	"	4/19/52		M	5'11"	155	7th
Blankenship James L.	CO	"	10/26/72		M	5'8"	190	8th
Bone Samuel J.	CO	"	2/16/58		M	5'10"	160	8th
Bowdoin Herbert R.	CC I	"	6/18/74	78.58	M	6'1"	180	GED
Braswell Willie	CC I	"	9/16/74	78.64	M	6'4"	240	B.A.
Bragg Lee	CO	"	2/1/74		M	5'7"	150	11th
Bruce Sylverster J.	CC I	"	4/1/74	70.00	M	5'11"	165	HSD
Bush John M.	CO	"	4/29/53		M	5'11"	168	7th
Colley Floyd C.	CO	"	7/2/57		M	5'11"	158	8th
Davidson William J.	CO	"	3/8/50		M	6'2"	142	9th
Dawson Eugene	CO	"	10/24/72		M	5'9"	180	HSD
Donald Willard L.	CO	"	8/30/72		M	6'1"	202	HSD
Forbish Leo R.	CO	"	6/18/74		M	5'6"	180	HSD
Fulmer Bernard O.	CO	"	2/16/61		M	5'8"	198	11th
Gantt Jimmy Lee Jr.	CC I	"	10/17/74	74.58	M	5'7"	150	B.A.
Gates James E.	CO	"	3/18/74		M	6'1"	240	HSD
Graves Milton III	CC I	"	8/28/73	86.59	M	5'7"	140	3yrCol
Hall Clarence Jr.	CC I	"	10/17/74	80.25	M	5'10"	188	HSD
Hamm Lester E.	CC I	"	1/5/76	76.53	M	5'10½"	170	HSD
Hebert Dewey	CCT	"	12/9/70	84.47	M	5'7"	150	HSD
Helms Edd Lee	CO	"	3/4/54		M	5'9"	185	7th
Howard Robert J.	CO	"	4/2/74		M	5'9"	150	HSD
Hubbard William J.	CO	"	10/17/73		M	5'8"	140	9th
Huey Samuel R.	CC I	"	1/16/74	79.58	M	5'11"	175	B.A.

NAME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION	ED.
Johnson Marion T.	CO	KilbyC.F.	1/20/69		M	5'8½"	175	HSD
Jones Benny O.	CO	"	10/10/73		M	5'8"	165	3yrCol
Jordan Matt D.	CC I	"	3/26/74	75.40	M	5'8"	185	HSD
Knighton Harry L.	CO	"	9/2/70		M	6'2"	200	HSD
Lewis Amos Jr.	CC I	"	8/27/73	75.91	M	6'1"	175	HSD
Major Emmett O.	CC I	"	10/24/73	78.64	M	5'10"	145	B.A.
Malone Arthur C. Jr.	CO	"	6/26/72	88.33	M	5'9"	167	11th
Maxwell Roosevelt	CC I	"	6/6/73	75.61	M	5'5½"	148	HSD
McAllister Michael F.	CC I	"	4/12/73	81.33	M	5'9½"	204	HSD
Miller Dorothy D.	CC I	"	9/13/74	78.99	F	5'4"	130	B.A.
Mitman Truman W.	CO	"	11/11/70		M	5'11"	148	HSD
Moncrief Maurice W.	CO	"	4/6/72		M	5'10"	165	Bus.Tr.w/oHS
Moseley Raymond M.	CCT	"	12/27/71	78.56	M	5'10"	150	HSD
Noles William G.	CO	"	7/13/72		M	5'11"	160	11th
Norrell Reuben A.	CO	"	9/4/64		M	5'10½"	180	11th
Patterson Dewey H.	CO	"	11/9/71		M	5'10"	195	8th
Reid Alvah W.	CC I	"	2/10/75	79.98	M	5'7"	150	2yrCol
Ronoke Eddie L.	CO	"	3/28/74		M	6'0"	186	HSD
Sanford Robert L.	CC I	"	2/19/74	83.33	M	5'8"	210	HSD
Shumaker Billie S.	CO	"	6/23/59		M	6'2"	205	HSD
Smith Eugene	CC I	"	9/19/74	78.64	M	5'4"	145	B.A.
Smith Hardwick	CO	"	10/17/73		M	5'10½	190	HSD
Smith Albert J.	CO	"	2/12/73		M	6'2"	210	HSD
Taunton Jimmie W.	CC I	"	2/13/73		M	5'11"	175	GED
Waid Pinkney A.	CO	"	7/2/57		M	6'0"	230	BusTrnw/oHSD
Ward Robert Lee	CC I	"	1/13/61	84.15	M	5'9"	160	HSD
Webster James O.	CC I	"	10/10/75	77.64	M	6'0"	160	HSD
Williams Ernest R.	CCT	"	7/14/75	87.67	M	6'5½"	160	B.A.
Wright Grady	CO	"	11/24/53		M	5'9½"	150	7th
Aughtman Lester C.	CCT	G.K.FountainCC	9/30/74	71.02	M	5'11"	140	GED
Baggett Travis S.	CO	"	10/7/65		M	6'0"	185	HSD
Baggett Roy A.	CO	"	10/1/69		M	6'1"	165	HSD
Ballard Elbert J.	CO	"	8/17/61		M	5'10"	190	11th
Barlow Vernon E.	CC I	"	2/20/74	70.00	M	6'0"	210	HSD
Bell Leonard H.	CO	"	10/29/69		M	6'3"	227	10th
Bilbo Charlos L.	CCT	"	10/17/75	75.45	M	5'6"	140	1yrCol
Blanton William O.	CO	"	11/2/71		M	5'8"	155	11th
Bodiford Charlie E.	CC I	"	2/7/73	76.02	M	5'7"	140	HSD
Bragg Robert C.	CO	"	8/13/70		M	5'11"	190	8th
Brown Isaac N.	CC I	"	10/16/68	83.09	M	5'11"	190	HSD
Brothers Grady E.	CO	"	9/7/65		M	5'11"	194	HSD

NAME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION	ED.
Bryars Oddie	CO	G.K.FountainCC	2/25/74		M	5'6"	170	11th
Calhoun Norman C.	CO	"	4/27/71		M	5'8"	130	8th
Cannon Billy H.	CO	"	10/25/72		M	6'2"	265	HSD
Carlton Tommy D.	CC I	"	12/17/73	70.36	M	5'8"	152	GED
Carver James E.	CC I	"	10/29/69	79.89	M	6'1"	200	HSD
Carlee Joseph M.	CO	"	3/1/66	70.43	M	6'0"	200	10th
Caraway Edward E.	CO	"	10/15/73		M	5'11½"	215	10th
Caraway Collin L.	CO	"	7/1/69		M	5'11"	180	8th
Caraway James T.	CO	"	10/19/73		M	6'0"	185	9th
Coffey Ladd L.	CC I	"	6/12/64	86.15	M	6'2"	174	2yrCol
Crawford Andrew F.	CCT	"	10/8/75	76.32	M	5'8"	180	2yrCol
Dandra William J.	CCT	"	6/7/72	72.89	M	5'8"	145	GED
Daughtry Adam	CO	"	7/17/73		M	5'9"	150	9th
Davis Larry V.	CCT	"	9/24/75	70.40	M	5'9"	220	GED
Donaldson Clifford J.	CO	"	2/15/73		M	5'11"	155	10th
Dorriety Billie H.	CC I	"	4/6/73	70.51	M	6'0"	200	HSD
Dorriety Jerry W.	CCT	"	8/14/74	72.43	M	6'3"	190	9th
Downey John R.	CO	"	12/13/66		M	5'9"	155	8th
Downey T.C.	CO	"	10/29/69		M	5'10"	185	8th
Dreadin Arthur C.	CO	"	9/17/71		M	6'0"	190	10th
Ellis Bennie L.	CO	"	11/13/72		M	5'10"	170	8th
Elloitt I.V.	CO	"	9/6/68		M	5'9"	175	HSD
English Jessie L.	CO	"	5/4/54		M	6'0'	134	7th
English Hugo	CO	"	4/28/69		M	6'0"	192	10th
Etheridge Bruce C.	CO	"	11/10/53		M	5'11"	225	7th
Fowler Willie R.	CO	"	3/24/67		M	5'11"	172	9th
Godwin Alton	CO	"	8/27/75		M	5'6½"	160	8th
Gregg Euby	CO	"	4/4/60		M	5'11"	170	11th
Griffin Bill	CO	"	10/21/70		M	5'8"	185	GED
Hall Charles M.	CO	"	8/27/75		M	5'10"	188	10th
Hall Willie F.	CO	"	11/10/72		M	6'2"	230	11th
Hall Jack	CO	"	8/27/75		M	6'3"	162	8th
Hammack Julian O.	CCT	"	3/12/75	76.17	M	5'10"	200	HSD
Harrison William T.	CO	"	11/30/73		M	6'1"	195	9th

NAME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION	EDUCATION
Hayes Hayward	CC I	G.K. FountainCC	12/17/69	80.24	M	6'1"	185	HSD
Haynie Luke	CC I	"	5/5/71	79.42	M	5'11"	197	GED
Hines Glen	CO	"	7/15/70		M	6'0"	165	8th
Hinson L C	CO	"	5/3/71		M	5'10"	225	8th
Holdaway Jack M	CO	"	6/1/69		M	5'9"	180	8th
Jackson Gordon	CC I	"	2/20/74	72.15	M	5'11"	225	2yrCol
Johnson Erbie S	CC I	"	10/7/65	82.88	M	6'1"	180	HSD
Johnson Katie M	CCT	"	3/26/75	78.64	F	5'6"	143	B.A.
Johnson Aubrey	CO	"	7/30/73		M	5'8"	175	8th
Jones Woodrow W	CC I	"	1/27/66	77.88	M	6'0"	215	9th
King Donald E	CCT	"	6/1/73	71.93	M	5'10"	160	GED
Knight Harvey	CCT	"	10'14'75	75.00	M	5'8"	150	HSD
Knowles Delmas R	CO	"	6/1/62		M	5'10"	183	HSD
Lane Otto	CO	"	4/8/59		M	5'8"	190	8th
Leatherwood Douglas	CC I	"	2/9/72	77.64	M	5'10"	153	HSD
Lee Robert	CO	"	5/8/74		M	5'9"	135	8th
Mabry Philip T	CCT	"	11/10/75	72.69	M	5'11"	175	Bus.Tr.w/HSD
Mancil Herbert W	CO	"	10/3/73		M	5'10"	180	HSD
McKinley Geo Washto	CO	"	8/10/61		M	5'10"	190	10th
McKinney James E	CCT	"	5/27/74	71.37	M	6'1"	230	GED
Mosley James L	CC I	"	12/31/69	79.32	M	5'6"	175	HSD
Nelson Luther M	CCT	"	11/8/74	75.91	M	6'2"	210	GED
Oswald Hayward J	CO	"	10/1/69		M	5'5"	155	9th
Owens Walter T	CO	"	1/29/73		M	5'9"	180	8th
Phillips Charles W	CO	"	12/3/69		M	5'8"	140	10th
Quimby Walter B	CO	"	11/1/66		M	5'10"	185	1yrCol
Ray James E Jr.	CC I	"	8/16/72	76.53	M	6'0"	200	HSD
Redmon Bertha L	CC I	"	3/11/73	70.00	F	5'7"	147	GED
Richardson Eddie	CC I	"	10/9/74	80.83	M	6'1"	225	B.A.
Roberts L Junior	CO	"	11/10/54		M	5'8"	145	11th
Ross Albert J	CO	"	8/1/63		M	5'10"	182	HSD
Salter Charles W	CO	"	12/10/73		M	5'10"	165	GED
Shipp James V	CO	"	10/7/71		M	5'9¼"	155	8th
Shipp James E	CO	"	11/7/72		M	5'11"	145	HSD
Smith Charles B Jr	CCT	"	10/20/75	75.00	M	5'11"	155	HSD
Smith Chester	CO	"	6/9/69		M	5'8"	200	8th
Smith Chesley	CO	"	4/5/71		M	5'6"	195	HSD
Smith Carl	CO	"	8/27/75		M	5'8"	147	10th
Smith Roy H	CO	"	1/22/74		M	5'9"	160	9th

NAME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION	
Springs Brenda	CCT	G.K.Fountain	12/10/75	78.64	F	5' 8''	145	N.A.
Taylor Donald L	CCT	"	12/29/75	71.58	M	5'9"	153	1 yr Col
Timothy James c	CO	"	10/01/69		M	5'7"	180	9th
Timothy Andrew E	CO	"	07/09/73		M	5'6"	180	10th
Turk James	CO	"	08/13/63		M	6'0"	244	HSGrad
Ward William D	CCT	"	12/08/75	81.19	M	5'11"	155	M.S.
Watford Alton C	CO	"	08/01/69		M			
Williams Albert F	CC I	"	10/01/66	79.73	M	5'10"	180	G.E.D.
Wilson Bibb H	CCT	"	07/16/75	75.00	M	5'10"	175	HSD
Williams Albert E	CC I	"	12/04/74	70.40	M	5'11"	160	HSD
Willson Dudley W	CO	"	07/16/67		M	5'9"	285	8th
Womack Ralph	CO	"	09/04/53		M	5'9"	140	8th
Achimon Archie U	CO	Draper	12/01/63		M	5'8"	175	HSD
Barrett Cloyce E	CO	"	08/24/61		M	5'10"	167	HSD
Barrett Clyde A	CO	"	09/10/68		M	5'8"	138	HSD
Bedford Leo Wm	CC I	"	09/09/63	84.15	M	6'0"	164	GED
Bibb Robert	CC I	"	03/27/72	77.67	M	5'6"	155	HSD
Blankenship John	CO	"	09/23/68		M	5'9"	185	10th
Boyer Jim Henery	CO	"	07/16/69		M	5'7"	150	HSD
Campbell James W	CO	"	11/29/72		M	5'8"	145	8th
Carr James L	CO	"	06/23/71		M	5'8"	155	9th
Checkler Horace R	CO	"	01/19/72		M	5'11"	190	11th
Cline Don C	CC I	"	02/14/73	90.33	M	6'1"	235	GED
Collins Lloyd	CC I	"	10/17/73	82.60	M	5'6"	176	1yr Coll
Colquitt Henry	CO	"	06/30/72		M	5'9"	170	10th
Colley Harvey Allen	CO	"	03/07/63		M	6'½"	217	HSD
Conner Warren L	CO	"	03/04/69		M	6'0"	157	6th
Dennis Joe F	CCT	"	11/03/75	78.66	M	5'8"	185	HSD
Daniels Leeposey	CCT	"	06/11/75	78.64	M	6'0''	164	BA
Devaughn Joseph L	CO	"	02/16/67		M	5'8"	209	9th
Devaughn Hardy	CO	"	09/29/75		M	6'1"	195	11th
Dillinger Bert E	CC I	"	04/17/74	77.95	M	6'0"	145	HSD
Driver James E	CO	"	09/03/74		M	5'10"	156	HSD
Easterling Rufus T	CO	"	07/16/68		M	6'5"	280	8th
Edwards Floyd	CCT	"	08/22/66	78.05	M	5'9''	178	HSD
Eiland Marion	CO	"	08/24/72		M	5'6"	160	9th
Elliott John J	CO	"	09/30/74		M	6'2"	200	GED

NAME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION	ED.
Faulk Billy	CO	Draper	11/05/74		M	5'11"	170	10th
Frost DONald	CCT	"	06/18/75	93.11	M	5'10 "	195	BA
Fuller Joseph W	CO	"	11/04/74		M	6'0"	222	11th
Garmon Jewel L	CO	"	08/07/57		M	6'3 "	182	9th
Geoghegan Claude	CC I	"	10/01/74	75.71	M	5'6"	175	HSD
Gibbons Halfmann	CO	"	01/18/72		M	5'11"	180	11th
Glenn James H	CCT	"	11/16/71	83.00	M	5'8"	170	HSD
Gray Richard R	CO	"	09/19/61		M	5'11"	206	11th
Hayes Fred L	CC I	"	10/09/74	75.00	M	6'0"	210	HSD
Herrod John W	CO	"	05/24/71		M	5'8"	165	HSD
Holman Joe C	CO	"	09/18/72		M	5'8"	162	10th
Horsley George W	CO	"	04/17/72		M	6'0"	250	10th
Hughes Richard M	CC I	"	06/14/74	75.37	M	5'11"	165	3yr Coll
Johnson Eddie	CC I	"	02/01/74	75.10	M	5'9"	168	HSD
Jones Doris	CC I	"	10/30/73	78.14	F	5'8"	190	HSD
Jones James Carl	CC I	"	08/24/64	79.10	M	5'9"	168	HSD
Kirland Bobby	CO	"	10/01/75		M	6'0"	195	1yr COll
Little Herman	CO	"	08/08/67		M	5'11"	151	10th
Littlejohn James W	CO	"	02/02/57		M	6'2"	190	9th
Lowman James C	CC I	"	12/17/73	93.33	M	5'8"	145	3yr Coll
McDonnald Edward	CC I	"	10/09/74	75.00	M	5'7"	138	GED
McGee Henrietta E	CCT	"	07/21/75	79.40	F	5'5"	142	BA
McGowin James D	CO	"	02/23/72		M	5'6"	140	HSD
Mitchell EDward	CO	"	10/18/59		M	6'2"	155	HSD
Murchison Beno L	CO	"	01/09/61		M	5'11"	160	HSD
Murchison Leonard O	CO	"	09/18/68		M	5'11"	150	11th
Noah Thomas	CO	"	3/22/66		M	5'8"	170	8th
Noah James	CO	"	9/21/67		M	5'11"	199	11th
Osteen Henry L.	CO	"	8/1/63		M	5'10"	152	10th
Owens Charles H.	CO	"	12/20/66		M	5'8"	172	10th
Parker Roger K.	CC I	"	12/4/72	70.86	M	6'0"	157	HSD
Plyler Barnes S.	CO	"	5/4/67		M	5'11"	223	HSD
Randall Charles T.	CO	"	3/12/73		M	6'1½"	168	10th
Rich Everett L.	CC I	"	10/6/66	76.71	M	6'0"	190	GED
Robinson Theodore	CO	"	7/18/53		M	5'7"	165	8th
Roper Clemmie C.	CC I	"	12/3/73	75.00	M	5'11"	163	HSD
Russell Raymond E.	CC I	"	6/19/74	75.00	M	5'10"	157	GED
Sansom David E.	CO	"	10/24/73		M	5'8"	155	11th
Scroggins John B.	CO	"	10/24/73		M	5'7"	150	HSD
Simmons Clester H.	CO	"	4/24/68		M	6'4"	254	10th
Smith Hollis L.	CC I	"	11/28/73	70.36	M	5'7"	160	HSD
Smith James H.	CO	"	6/19/69		M	6'1"	235	12th

NAME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION	ED.
Stearns Arvel C.	CO	Draper	3/18/63		M	6'0"	194	10th
Steadham James F.	CO	"	5/14/74		M	6'0"	175	BusTrHSD
Thornell Max	CC I	"	6/15/72	82.73	M	5'11"	176	GED
Thompson Robert C.	CC I	"	10/18/73	74.78	M	6'2"	225	HSD
Walker Murray L.	CO	"	7/15/70	85.29	M	6'2"	230	HSD
Walker Leon G.	CO	"	12/6/52		M	5'8"	165	7th
Ward Jerremah	CO	"	4/16/63		M	5'11"	150	11th
Watkins James C.	CO	"	9/26/75		M	5'7"	185	12th
Wells Johnny E.	CCT	"	3/28/66		M	5'8"	198	9th
Whitt Ethelrine P.	CO	"	7/21/75	78.64	F	5'8'	146	B.A.
White Marion R.	CO	"	2/20/68		M	5'11"	170	10th
Wiggs Joe Jr.	CC I	"	11/24/64		M	5'11"	170	10th
Wilson Ernest T.	CO	"	2/28/73	80.24	M	5'9"	175	B.S.
Wilson Randall G.	CO	"	10/1/75		M	5'10"	160	HSD
Wright William A.	CO	"	6/12/67		M	5'11"	151	10th
Wright Ralph W.	CO	"	1/2/69		M	5'9"	174	6th

NAME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION	Ed
Blankenship, Pauline C.	CO	Tutwiler	01-21-70		F	5'0"	140	8th
Brown, Essie D.	CC I	Tutwiler	10-26-73	79.41	F	5'5"	135	Bach. D.
Cobb, Virginia K.	CO	Tutwiler	07-18-73		F	5'6"	120	HSD
Collier, Mary Sewell	CCT	Tutwiler	10-16-72	81.19	F	5'6"	135	1 yr col
Davis, Barbara J.	CCT	Tutwiler	09-03-75	81.39	F	5'5"	145	Med.
Duke, Benjamin C.	CO	Tutwiler	08-01-57		M	5'8"	160	8th
Estes, John R.	CO	Tutwiler	11-03-72		M	6'0"	175	HSD
Gassett, Allen L.	CC I	Tutwiler	09-16-63	79.15	M	5'7"	180	HS Grad
Gassett, Montez L.	CO	Tutwiler	08-16-63		F	5'6"	180	HS Grad
Goodman Eunice Hila	CC I	Tutwiler	09-10-59	79.40	F	5'7"	155	HS grad
Gorce, Merla E.	CC I	Tutwiler	02-11-55	79.40	F	5'8"	130	HSD
Hill, Harvey H., Jr.	CCT	Tutwiler	05-07-75	80.00	M	6'4"	212	HSD
Hollyfield, Helen	CC I	Tutwiler	02-12-74	70.00	F	5'5"	142	HSD
Holt, Mary C.	CO	Tutwiler	08-16-63		F	5'4"	130	11th
Holley, Arlene T.	CO	Tutwiler	10-16-63		F	5'11"	130	12th
Jefferson, Ethel R.	CCT	Tutwiler	01-29-75	78.64	F	5'5"	134	Bach. D.
Lee, Claudine	CCT	Tutwiler	01-02-75	78.64	F	5'6"	120	Bach D/
Matthews, Virginia	CCT	Tutwiler	07-16-63	79.15	F	5'3½"	115	HSD
Morrison, Sa rah	CO	Tutwiler	12-30-54		F			HSD
Murchison, Katherine	CO	Tutwiler	03-24-67		F	5'2"	130	HSD
Rawlinson, Florence F.	CO	Tutwiler	09-16-66		F	5'7"	155	HSD
Ross, Gladys I	CO	Tutwiler	11-10-71		F	5'4"	150	10th
Stepp, Joyce C	CCT	Tutwiler	07-02-75	81.19	F	5'5"	170	H.S. D.
Vinson, Brenetta Y.	CC I	Tutwiler	11-07-73	78.64	F	5'5"	134-	Bach D.
Wood, Mary Lee	CO	Tutwiler	06-16-67		F	5'1"	143	HSD
Wood, Adolphe L.	CO	Tutwiler	04-13-72		M	5'7"	200	10th
Baugh, James E.	CO	Holman	06-06-72		M	5'8"	130	8th
Biles, Lester V.	CCT	Holman	11-07-75	75.76	M	5'8"	160	HSD
Blackburn, William C.	CO	Holman	10-23-69		M	5'11"	190	10th
Blackmon W.D.	CO	Holman	05-07-74		M	5'7"	150	8th
Boone, Henry C.	CO	Holman	06-06-74		M	6'2"	270	10th
Boutwell, Raymond	CCT	Holman	12-05-75	70.37	M	6'0"	205	HSD
Boyd, Martha A.	CCT	Holman	03-27-75	74.58	F	5'8"	127	12th
Branch, Willie	CO	Holman	09-21-72		M	6'3"	183	10th
Brooks, Fred	CO	Holman	08-13-70		M	5'10"	195	6th
Bryars, Chester	CO	Holman	03-26-73		M	5'7"	170	8th
Carrol, Marshall	CCT	Holman	07-26-74	80.80	M	6'3"	180	HSD
Coleman, Charles H.	CCT	Holman	05-24-75	73.69	M	6'0"	200	HSD
Coleman, John D.	CO	Holman	05-13-70		M	5'8"	187	8th
Coleman, Joseph R.	CO	Holman	07-30-75		M	5'6"	135	8th
Cruthfiled, James B.	CO	Holman	05-18-70		M	5'10"	230	11th

NAME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION - Ed.
Cruit, Riley M.	CO	Holman	03-00-74		M	6'0"	136 10th
Davidson, Lavaughn	CCT	Holman	11-06-75	72.18	M	6'1"	210 GED
Davis, Jerry M.	CO	Holman	02-12-75		M	5'11"	155 8th
Dean, Stephen L.	CC I	Holman	07-31-74	70.55	M	5'10"	215 HSD
Digmon, Richard G.	CC I	Holman	06-25-74	76.68	M	5'8"	162 1 yr col
Dixon, Ira L.	CO	Holman	08-00-73		M	6'	170 8th
Dunn, Joe	CO	Holman	05-18-70		M	5'10"	165 8th
Dyross, Donnie F.	CCT	Holman	01-21-71	74.22	M	5'11"	264 HS Grad
Ellis, James T.	CO	Holman	09-02-69		M	6'	190 8th
English, Bobby R.	CO	Holman	07-26-73		M	5'7"	160 HSD
Floyd, James C.	CO	Holman	09-09-74		M	6'2"	190 8th
Flowers, Julius J.	CO	Holman	01-24-75		M	6'2"	170 8th
Foster, Donnie	CO	Holman	02-15-74		M	5'11"	165 9th
Fralick, Thomas J.	CO	Holman	01-04-72		M	5'11"	210 11th
Gibbs, Willie E.	CO	Holman	06-29-73		M	5'5"	135 10th
Grant, Elmore V.	CO	Holman	05-13-70		M	5'8"	130 10th
Hank, Homer L.	CCT	Holman	02-26-73	78.54	M	5'9"	140 HSD
Harville, Norman	CO	Holman	11-12073		M	5'10"	170 8th
Hayes, Bryan	CCT	Holman	11-25-75	72.59	M	6'2"	205 1 yr col
Hixon, William T	CCT	Holman	12-17-69	75.02	M	6'2"	185 GED
Hodgen, James R.	CC I	Holman	09-12-73	75.25	M	5'7"	162 GED
Holt, Isaac J.	CC I	Holman	02-04-72	75.67	M	6'0"	210 HS GRad
Hollinger, Dennie C.	CO	Holman	09-17-71		M	6'0"	204 10th
Johnson, Larry D.	CCT	Holman	03-05-74	70.76	M	6'0"	153 GED
Jones, Robert D.	CCT	Holman	12-22-75	75.00	M	5'8"	130 Less than 1 yr cd
Kirby, David B.	CCT	Holman	12-29-75	71.12	M	6'0"	295 GED
King, Earl D.	CO	Holman	05-16-68		M	6'3"	175 10th
Kitzinger, Ronald W.	CCT	Holman	07-21-75	75.00	M	5'8"	160 GED
Lee, Roy J.	CO	Holman	03-20-68		M	6'0"	165 8th grad
Luker, Ingram	CO	Holman	05-13-70		M	5'9"	150 8th
Mason, Marvin W. Jr.	CO	Holman	11-06-74		M	5'11'	145 9th
McAnally, Earl	CO	Holman	01-22-74		M	6'0"	200 11th
Messick, Gaines W.	CO	Holman	09-06-74		M	5'9"	200 11th
Moore, Elizabeth	CC I	Holman	01-30-74	70.20	F	5'5"	122 HS Grad
Oswald, James R.	CO	Holman	01-25-73		M	5'10"	133 9th
Overstreet, Calvin W.	CO	Holman	08-13-70		M	6'2"	180 10th
Parker, Leroy	CO	Holman	11-06-74		M	6'0"	135 8th
Payne, Dewey E.	CC I	Holman	04-20-72	81.04	M	6'2"	225 GED
Peacock, Clarence A.	CO	Holman	09-26-73		M	5'11"	203 HS Grad
Pugh, John H.	CO	Holman	03-02-73		M	5'7"	170 8th

NAME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION	ED.
Qualls Juby J.	CO	Holman Prison	6/6/72		M	6'2"	190	8th
Quimby Kenneth R.	CO	"	7/1/74		M	5'9"	225	HSD
Raines Jessie H.	CCT	"	2/20/73	73.15	M	6'0"	185	GED
Raines Joseph C.	CC I	"	9/13/72	78.00	M	5'11"	200	HSD
Rollin William	CC I	"	2/22/74	70.00	M	5'6"	175	GED
Ryals Charles W.	CO	"	4/11/63		M	5'8"	181	10th
Seale Otha	CO	"	12/6/71		M	5'9"	180	HSD
Seale Leon	CO	"	7/7/72		M	5'11"	190	10th
Sellers Edward L.	CO	"	4/29/74		M	6'2"	210	8th
Sirmon Richard I.	CO	"	5/29/74		M	6'2"	165	10th
Smith James M.	CO	"	5/18/70		M	5'7"	135	9th
Stabler Frank W.	CO	"	11/12/74		M	5'11"	180	8th
Stewart William W.	CCT	"	12/31/69	80.49	M	5'9"	147	GED
Steele Henry R. Jr.	CO	"	4/17/74		M	5'9"	180	8th
Taylor Kindle M.	CC I	"	2/3/71		M	5'11"	190	HSD
Tolbert Harry T.	CO	"	12/4/72		M	6'1"	185	8th
Tolbert Leroy	CO	"	2/11/70		M	5'9"	147	8th
Welch Mack O.	CCT	"	10/9/75	75.00	M	5'11½"	168	HSD
Whatley William P.	CO	"	11/14/73		M	5'11"	175	GED
White George L.	CO	"	7/2/73		M	5'8"	135	8th
Wiggins Elbert R.	CC I	"	10/12/71	73.56	M	6'0"	152	B.A.
Wright Terry T.	CC I	"	3/26/73	74.53	M	6'1"	170	HSD
Carter Mary C.	CC I	B'ham.P.R.	1/29/75	78.84	F	5'3"	127	B.A.
Ceaphus Leslie C. Jr.	CC I	"	7/11/73	84.80	M	5'11"	175	1yrCol
Dewitt Robert H.	CCT	"	12/17/75	89.22	M	6'5"	245	Masters
Everhart Charles E.	CC I	"	10/19/73	77.85	M	5'10"	177	2yrCol
Harding Nancy C.	CC I	"	9/17/73	70.00	F	5'5"	130	HSD
Hightower Royzell	CC I	"	11/12/73	77.64	M	5'5"	140	1yrCol
Jordan John C.	CC I	"	4/4/73	78.10	M	6'0"	190	2yrCol
Bryars Edith M.	CC I	MobileP.R.	1/30/74	78.64	F	5'9½"	170	B.A.
Ellisor Thomas M. Jr.	CC I	"	1/16/74	92.03	M	5'11"	201	Masters
Evans Donald J.	CC I	"	10/9/74	81.10	M	5'9"	195	3yrCol
McGill John C.	CC I	"	1/30/74	73.66	M	5'10"	190	2yrCol
Ruffin Barbara A.	CC I	"	2/13/74	74.83	M	5'2"	123	B.A.
Thomas Ernest Jr.	CC I	"	3/13/74	78.15	M	5'10½"	168	HSD
Bray Jessie S.	CCT	Frank LeeYC	1/15/75	77.53	M	5'8"	130	D.A.
Daniels Olivia	CCT	"	7/30/75	78.64	F	5'3"	129	B.A.
Dowdy Cheril A.	CC I	"	10/24/73	78.64	F	5'11"	160	B.A.
Foreman James W.	CO	"	7/1/67	81.25	M	5'11"	190	10th
Harris Richar M.	CC I	"	1/14/72	82.00	M	5'7"	160	GED
Neeley Sidney E.	CO	"	10/29/69		M	5'7"	170	GED
Smith Leonard E.	CO	"	2/15/68		M	5'11"	170	8th
Smith Carl B.	CO	"	5/23/73		M	6'0"	180	10th

EXHIBIT IV

240 Hrs. CORRECTIONAL CURRICULUM

1. General Orientation — 2 hours
   Includes opening remarks/course syllabus.

2. Notebook construction and notetaking procedures. — 1 hour
   When constructed properly the materials can be used as a Correctional Counselor handbook for future reference.

3. Pre-Test — 1 hour
   Test designed to measure present level of skills and knowledge. Later to be used as an evaluation tool.

4. Corrections as a profession. — 2 hours
   Scope of vocations within the Alabama Correctional System designed to illuminate the interrelated objectives for the common goal of rehabilitation.
   Brief history of the Correctional Officer.

5. Public Relations — 2 hours
   Includes policies concerning the news media and a broad scope of community relations.

6. Vocational Guidance familiarization for the Correctional Counselor — 10 hours
   The Correctional Counselor should be able to assist the inmate in making appropriate vocational choices.
   Brief overview of the process of testing for skills, aptitudes and interests.

7. Education — 5 hours
   The function of education in the rehabilitation of inmates. Basic literacy courses, high school completion, trade and technical skill courses, colleges level and other formalized study and work programs which provide opportunities for self development and trade skill development.

8. Inmate Behavior and the sociology of the Penal Institution — 20 hours
   Many different things go into the making of the inmate such as physical characteristics, mental abilities, past experiences and personality traits. The loss of family and friends, the loss of personal possessions, the loss of freedom, the regimented life - all these and others affect the inmate. The Correctional Counselor is responsible for the security, discipline of inmates and is a vital part of the rehabilitation program. To perform these duties in the most effective manner, it is necessary for him to understand the people with whom he deals.

9. Correctional Counseling — 40 hours
This course incorporates the necessary Interpersonal Communication Skills Training, patterned from the Carkhuff model of counseling that will train Correctional personnel in a manner that would assist the inmate to solve some of his problems and add to his skills in coping with society. This includes a discussion of the three basic goals of (1) Exploration, (2) Understanding, and (3) Action.

10. Psychology of Behavior/Modification techniques for the Correctional Counselor — 10 hours
Behavioral terminology to include practice with overt and covert behavioral descriptions. Reinforcement and shaping techniques.

11. Alcohol and Drug Abuse — 8 hours
Identification of the abused drugs in the penal institution. The physical and psychological effects of alcohol and drug abuse. A discussion of the correlation between alcohol and drug abuse and crime.

12. Officer/Inmate Relationship — 10 hours
To help the officer perform his important role in the correctional system, it will be beneficial to examine the history of officer/inmate relationships and how they have developed from the earliest prisons to today's modern correctional system; the types of officer/inmate relationships and how they affect the officer's performance of duty; what inmates respect in officers, including what actions cause them to cooperate and what they rebel against; and some of the problems in officer/inmate relationships which should be avoided if the officer is to be effective.

13. Handling the Emotionally Disturbed — 4 hours
A comprehensive discussion of emotional disorders.

14. Security, Custody and Control — 16 hours
Methods of security within a penal institution. Definitions of security, custody and control.

15. Collection, Preservation and Identification of Evidence for Investigative Purposes — 4 hours
The Correctional Counselor needs to be able to objectively investigate a crime witin a penal system.

16. Search and Seizure/Transport of Prisoners — 4 hours
Legal aspects and consideration for search and seizure.

17. Written Communication — 8 hours
To familiarize the trainees with the essentials of good report writing, the characteristics, the format and style. Objective writing for disciplinary actions.

18. First Aid — 8 hours
Techniques of emergency first aid for the Correctional Counselor. Multi-media instruction for the Red Cross Certification.

19. Institutional Hygiene — 8 hours
Certain deficiencies in living and working quarters may directly or indirectly affect the health of the inmates. Modern housekeeping is fast becoming a science requiring skilled procedures for efficient results.

20. Inmate/Prisoner Rights — 5 hours
A comprehensive study of constitutional rights for prisoners.

21. Legal Complaints and Disciplinaries — 10 hours
Legal considerations and procedures concerning writs. The legal aspects of disciplinary hearings for major and minor violations - Administrative Regulations 403 and 404.

22. Defensive Tactics — 16 hours
Techniques of hand-to-hand defensive tactics.

23. The Use of the Baton — 20 hours
Proper use of the baton can be an effective control technique and save lives of inmates and Correctional Counselors.

24. Firearms Familiarization and Qualification — 24 hours
Techniques of instruction to include the basic principles of marksmanship training for shotgun and pistol firing.

25. Mid Test & Final Test — 2 hours

COURSE DESCRIPTION

I. INTRODUCTION TO LAW ENFORCEMENT 4

1. Opening Remarks and Orientation 1

Official opening of the class followed by a descriptive explanation of the course and subject objectives. Rules governing student activities during the course, and methods of work evaluation will be outlined.

2. Development of Law Enforcement 2

Acquaint the student with historical development of law enforcement.

3. Explanation of Alabama Peace Officers Standards and Training Commission Act #1981 and amending Act # 156 1

Familiarize the student with the Act and its purpose.

II. GENERAL TOPICS 41

1. Notebook Construction and Notetaking 1

Instruct the student in proper methods of constructing the basic student notebook and preparing notes.

2. Law Enforcement as a Profession 1

Encourage the student to think and perform the duty of law enforcement in a professional manner.

3. Loyalty and Morale 2

Explain to the students the importance of being loyal to the agency and effect that this loyalty will have upon the morale of others.

4. Internal Security 2

Instruct the student in the purposes, duties, and scope of the Internal Security.

5. Introduction to Cooperative Services of Federal,State, and Local Law Enforcement 1

Acquaint the student with the services provided by all agencies and to foster a harmonious relationship between them.

6. Federal Law Enforcement Agencies 2

Acquaint the students with various Federal Law Enforcement Agencies, their functions and how they may help local law enforcement.

7. ABC Laws 1

Acquaint students with the Alabama law pertaining to the control of alcoholic beverages and liquor.

8. State Parole Offices 1

Acquaint student of the purpose and function of the parole system of the state of Alabama.

9. Telephone Burglary and Obscene Calls 2

Instruct students on necessary action to take in the event of burglary of pay telephone boxes. To instruct the student in immediate and followup action to take in the event of obscene telephone calls.

10. Communications (Radio) 1

Explain to the students the basic procedure for operation of a base station two-way radio and a mobile unit.

11. Records Section 2

Acquaint the student with function and importance of records keeping.

12. Federal Firearms and Untaxed Whiskey Laws 4

Explain Federal Firearms Act and to acquaint the students with recognition of untaxed whiskey, the dangers of and penalties for making, possessing, receiving or selling untaxed whiskey.

13. Explosives ACt of 1971 1

Instruct the student on why, how, and when the Explosive Act of 1971 can be used.

14. Recognition of Bombs and Explosive Devices 6

Familiarize the student with different types of bombs and explosives used by militant or subversive groups. Explain procedure and precautionary measures to be taken when these bombs or explosive devices are found.

15. Handling the Emotionally Disturbed — 6

Teach the students how to recognize emotionally disturbed persons and to offer suggestions on methods of handling these persons including interviews, arrests, and referrals.

16. First Aid — 8

Instruct students in the Standard First Aid Course.

III. EQUIPMENT — 14

1. Care and Use of Equipment — 2

Stress the importance of caring for police equipment and to teach methods of proper use.

2. Use of Emergency Equipment, Escorts & Relays — 1

Instruct the student in what constitutes "emergency equipment" when and how this equipment may be used, who has authority to administer emergency runs, and how they are to be conducted.

3. Operation of Police Vehicles — 3

Stress the importance of safe operation of police vehicles to include preventative maintenance. To teach proper methods of operation of police equipment.

4. Defensive Driving — 8

Teach the students a standard course in defensive driving, designed by the National Safety Council.

IV. CRIMINAL INVESTIGATION — 36

1. Receiving and Handling Complaints — 3

Teach the student the importance of properly handling complaints from citizens. To discuss the many different types of complaints encountered by law enforcement officers.

2. Preserving the Crime Scene — 1

Instruct the student in proper technique of preserving the crime scene.

3. Crime Scene Search and Charting Crime Scene — 4

Instruct the student with proper and effective methods of searching crime scenes and producing desired results. To teach proper charting of crime scene.

4. Building Searches — 2

Instruct the student in the method of building search, the systematic search in detail, and use of K-9 in building search.

5. Collection and Preservation of Evidence. — 3

Instruct the student in proper method of identifying and collecting and preserving evidence found at the scene of crime.

6. Fingerprint-Theory — 4

Acquaint the student with the history of fingerprints and generalized information as to their classification. To have students participate in actual fingerprinting each other and practice developing latent prints.

7. Burglary Investigation — 2

Instruct the student in the methods and types of burglary investigations and detection of burglary suspects.

8. Identification of Stolen Automobiles — 2

Teach the proper techniques in identifying and recovering stolen automobiles.

9. Vice and Narcotics Operation — 8

To acquaint the student with types of vice and drugs and narcotics, drug identification, and techniques of investigating such offenses.

10. Sex Crimes — 4

Instruct the student in the different types of sex crimes they may encounter. To teach the proper methods used in preventing such offenses. Explain the different modus operandi of sex criminal. Psychology terms.

11. U.S. Attorney's Office, Evidence, Searches and Seizures, Civil Rights — 2

Acquaint the student with their views on handling evidence, civil rights, searches and seizures, as affective by Supreme Court decisions and cooperation of this office with local law enforcement.

12. Criminal History Files — 1

Explain the laws regarding criminal history registration, mug files, and explain their value.

V. CRIMINAL PROCEDURES & LAWS OF EVIDENCE 17

1. Mechanics and Techniques of Arrest 4

Instruct student in the many different techniques and procedures of making a legal arrest. Discuss laws of arrest.

2. Searching Prisoners 1

Instruct students in proper method of searching person, and what to search other than the person.

3. Transporting Prisoners 1

Teach proper method of restricting, handling, and transporting prisoners.

4. Jail Procedures 1

Acquaint students with duties and responsibilities of jail operation, booking of prisoners, control of firearms, and relinquishment of control of prisoners.

5. Interrogation and Confessions 4

Instruct the student in the lawful techniques to be used in an interrogation; acquaint with laws and court decisions pertaining to confessions, admissions, and declarations.

6. Polygraph 2

Acquaint student with the polygraph and how it can assist in investigation.

7. Rules of Evidence 4

Teach necessity of having legal evidence. To discuss the ways and means of obtaining admissible evidence.

VI. JUVENILE PROCEDURES 15

1. Juvenile Laws State of Alabama 3

Acquaint students with Alabama law relating to juveniles.

2. Juvenile Interviews 2

Acquaint students with the rights of and the methods of interviewing juveniles.

3. Sex Crimes Against Juveniles 1

Acquaint students with particular sex crimes most often perpetrated against juveniles and types of persons who generally commit these offenses.

4. Family Courts and Juvenile Courts 4

Inform students of laws relating to Juvenile Court procedure. Responsibility of parents. The significance of preventing delinquency. To acquaint students with methods and procedures for youth and family counseling.

5. Work with Juveniles 5

Acquaint students with programs designed to work with pre-delinquent and delinquent youth. Explain function and scope of Juvenile Programs.

II. COURTS 24

1. Alabama Code of Alabama, Volume 5, Titles 14 and 15 8

Acquaint the student with Alabama law on crimes and offenses and criminal procedure.

2. Case Preparation 4

Instruct the student in procedure for preparing a case for trial before the Grand Jury or Court, to include report writing.

3. Court Procedure-Testifying 8

Instruct the student in preparation for testimony, demeanor on stand, appearance in court, reaction of cross-examining attorney and pointers on police testimony. Explain judicial structure. Moot trial.

4. Supreme Court Decisions 4

Make students aware of recent Supreme Court decisions and to explain how they affect the job of enforcement.

III. PATROL TECHNIQUES 6

1. Patrol Techniques 6

Instruct in the duty and responsibility of the law enforcement officer in patrol techniques and to project the best known methods of fulfilling these responsibilities.

IX. TRAFFIC OPERATIONS — 46

1. Officer-Violator Contact — 4

Impress upon the student the importance of officer-violator contact. To teach the proper methods of contact, particularly in traffic law enforcement. To instruct in proper technique of stopping and interviewing violators. To instruct in proper procedure in writing traffic citation. Officers self-protection.

2. Traffic Direction and Control — 3

Instruct the students in uniform signals and gestures, and the need for same.

3. Speed Timing Devices — 1

Acquaint the student with the purpose of speed timing devices. To familiarize the students with these devices, their operation and recording of data obtained.

4. Introduction to Accident Investigation — 1

Introduce the students to accident investigation and explain why we investigate traffic accidents.

5. Planning the Investigation — 2

Teach the students to plan ahead as far as they can, and to extend the plan as more information is received. To teach them the stages of planning accident investigations.

6. Keeping the Accident from Getting Worse — 1

Acquaint the students with suggested actions which have proved effective in keeping the accident from getting worse than at the time the officers arrive.

7. Traffic Accidents and Their Causes — 3

Teach the students the causes of traffic accident investigations. This includes contributing factors, operations, etc.

8. Road and Weather Conditions — 1

Acquaint the students with the importance of weather and road conditions in traffic hazards.

9. Vehicle Conditions — 1

Teach what the vehicle shows about why the accident happened. To discuss illegal conditions discovered in accident investigation problems of investigation, and the parts of the vehicle likely to contribute to accidents.

10. Recording Data/Uniform Accident Report — 4

Instruct the students in how and what to record the facts uncovered in the investigation. This includes accident forms and supplemental information so the facts will always be available.

11. Skidmarks-Classroom — 5

Create awareness of the potential use of skidmark evidence. To identify types and forms of skidmarks and their meaning and the technique of proper identification and measurement. Includes practical exercise in calculating minimum speed from skidmarks using the monograph and formulas.

12. Measurements and Diagrams-Classroom — 4

Measurements and Diagrams-Field — 4

Discuss the needs for accurate measurements as part of the data gathering process. Discuss the techniques to be used in accurately locating pertinent data(vehicle, objects, debris, etc.) as it applies to the accident situation. Also includes a practical exercise.

13. Critique and Discussion of Skidmarks, Measurements and Diagrams — 2

Inform the student on their effects in plotting skidmarks, measurements, diagrams.

14. Implied Consent Law — 3

Teach the students how and why the implied consent law was inacted and how it should be applied to DWI arrests.

15. Intoximeter Procedure — 1

Acquaint the students with the intoximeter and demonstrate its operation. Also, to impress upon them that they make their case before the subject is tested on the device, and that it substantiates the case already made.

16. Safety REsponsibility Laws — 2

Instruct the students to inform the drivers in accidents as to the safety responsibility laws and the forms to be used.

17. Hit and Run Accidents — 2

Discuss a sequence of actions to be taken and the essential phases of this type of investigation as well as the kinds of information deemed important in the follow-up investigation of an accident. Alert the student to the kinds of technical assistance available.

18. Review and Examination of Accident Investigation Course 2

Inform the student on their strengths and weaknesses in the area of accident investigation.

X. OFFENSIVE/DEFENSIVE TACTICS 4

1. Use of Baton-Defensive Tactics 4

Instruct the student in proper use of baton as a defensive weapon to include basic riot control formations.

XI. COMMUNITY/PUBLIC RELATIONS 12

1. Public Relations 2

Acquaint students with the need of an adequate Public Relations Program and point up need of effective interaction between the citizen and the officer.

2. News Media/Law Enforcement 1

Instruct the student in services that news media can render. Discuss cooperation between news media and the agency.

3. Community Relations 4

Discuss the need and functions of a Community Relations Program, bridging gap between community and law enforcement.

4. Extremist Groups and Targets 5

Acquaint the student with the different names of extremist groups in the U.S..and specifically in Alabama. Names of leaders, known followers, goals, objectives, methods of operation.

XII. FIREARMS 8

1. Firearms 8

Acquaint the student with mechanics of weapons used in law enforcement. To instruct in proper handling of weapon and basic safety of weapons. To instruct in and actual firing of Combat Pistol Course.

XIII. EXAMINATIONS & DIRECTORS TIME 13

1. Evaluation, Seminar, Testing, and Review 12

Two hours each Friday to be used at Directors discretion.

2. Graduation 1

EXHIBIT V

STATE OF ALABAMA PERSONNEL DEPARTMENT

REQUEST FOR CERTIFICATION OF ELIGIBLES

1. Department: Board of Corrections	2. Division:	3. Position number(s):
4. Classification: Correctional Counselor I	5. Location of assignment: Frank Lee, Kilby, Holman, Fountain	6. Number of vacancies to be filled: 6
7. Is this work (X) Permanent? ( ) Temporary - 164 work days or less? ( ) Part-time?		
8. Name of previous incumbent, if any	9. Reason for leaving service	10. Date position(s) vacant

11. Describe the exact nature of the work to be performed. (Attach Form 68 if this is a new position)

Promote done

There are not enough applications received from Correctional Course or 12-8-76

12. Signed: Appointing authority 0408 — 13. Date:

14. CERTIFICATION: Correctional Counselor I — REGISTER: PROMOTIONAL — Entrance Salary: 336.50

Name	Examination	Exam. Rating	Vet. Pref.	Total	Sex	Effective Date of Appointment: Height	Weight	Loc.
Carr, Vendall H. ✓	Eligible 16 years	79.02	0	79.02	M	6'0"	220	ATTICA Pre-Release
Hanks, Homer L. ✓	12 years	78.54		78.54	M	5'7"	140	Holman
Williams, Ernest R. ✓	16 years	77.68	0	77.68	M	6'0½"	162	Kilby
Bray, Jessie S. ✓	16 years	77.53	0	77.53	F	5'8"	130	FLYC
Sutherspoon, Mary L. ✓	16 years	77.09	0	77.09	F	5'7"	280	ATTICA Pre-Release
Macmack, Jo O. ✓	12 years	73.24	0	73.24	M	5'11"	220	Fountain

Certified: [signature] — Date: 1-20-76 — Certification No.: — 1-23-76

Personnel Director — Appointing Authority

INSTRUCTIONS: This certificate, signed by the appointing authority, should be returned to the Personnel Department within 10 days accompanied by all forms and papers of those certified, including correspondence with those who declined and copies of letters to those who failed to reply.

Selection to fill each vacancy must be made from the three highest ranking eligibles disregarding those who failed to answer or those who refused appointment.

The Merit System Act requires that an appointing authority who passes over the name of an eligible veteran and selects a non-veteran must file with the Personnel Director the reasons for so doing. Indicate the action taken in the appropriate column as follows.

A -- Appointed
B -- Declined offer of Appointment.
C -- Considered but not selected
FR - Failed to reply
VA -- Wrong Address

Form 15 (Rev. 8-66)

STATE OF ALABAMA - PERSONNEL DEPARTMENT

REQUEST FOR CERTIFICATION OF ELIGIBLES

1. Department	2. Division	3. Position number(s)
4. Classification	5. Location of assignment	6. Number of vacancies to be filled
7. Is this work ( ) Permanent? ( ) Temporary - 104 work days or less? ( ) Part-time?		
8. Name of previous incumbent, if any	9. Reason for leaving service	10. Date position(s) vacant

11. Describe the exact nature of the work to be performed. (Attach Form 48 if this is a new position)

12. Signed: Appointing Authority		13. Date
14. CERTIFICATION	REGISTER	Entrance Salary

Name	Exam. Rating	Vet. Pref.	Total	Action	Effective Date of Employment	SEX	HEIGHT	WEIGHT
Holt, Ivan V. ✓	75.24	0	75.24			M	5'11"	170
Culberson, Harvey S. ✓	73.19	0	73.19			M	6'2"	230
Hardley, Jim, Jr. ✓	70.15	5	75.15			M	5'11"	174
Hanley, William W. ✓	70.10	5	75.10			M	5'9"	200
Black, Carolyn P. ?	75.09	0	75.09			F	5'3" (illegible)	125
Alexander, Bobby ✓	70.03	5	75.03			M	5'8½"	170

Certified: Personnel Director	Date: 2-3-76	Certification R: Appointing Authority

INSTRUCTIONS: This certificate, signed by the appointing authority, should be returned to the Personnel Department within 10 days accompanied by all forms and papers of those certified, including correspondence with those who declined and copies of letters to those who failed to reply.

Selection to fill each vacancy must be made from the three highest ranking eligibles disregarding those who failed to answer or those who refused appointment.

The Merit System Act requires that an appointing authority who passes over the name of an eligible veteran and selects a non-veteran must file with the Personnel Director the reasons for so doing. Indicate the action taken in the appropriate column as follows.

A -- Appointed
B -- Declined offer of Appointment
C -- Considered but not selected
FR - Failed to reply
VA -- Wrong Address

STATE OF ALABAMA - PERSONNEL DEPARTMENT

REQUEST FOR CERTIFICATION OF ELIGIBLES

1. Department: Board of Corrections	2. Division: Dept. of Classification & Treatment	3. Position number(s)
4. Classification: Correctional Counselor Trainee	5. Location of assignment: Atmore, Ala. Holman Correctional Facility	6. Number of vacancies to be filled: 50
7. Is this work (x) Permanent? ( ) Temporary - 104 work days or less? ( ) Part-time?		
8. Name of previous incumbent, if any	9. Reason for leaving service	10. Date position(s) vacant

11. Describe the exact nature of the work to be performed. (Attach Form 48 if this is a new position)

12. Signed: W. F. Blackwell Appointing Authority		13. Date: 2/3/76
14. CERTIFICATION: Corr. Counselor Trainee - 4404	REGISTER: Corr. Counselor Trainee	Entrance Salary: 273.30

Name	Exam. Rating	Vet. Pref.	Total	Action	Effective Date of Employment	SEX	HEIGHT	WEIGHT
Carr, William W. ✓	80.06	5	85.06			M	6'4"	190
McClaney, Tommie L. ✓	83.37	0	83.37			M	6'4"	175
Core, Delmar E. ✓	72.08	10	82.08			M	5'7"	170
Cook, Robert W., Jr. ✓	74.58	5	79.58			M	6'1"	180
Jansen, David E., Jr. ✓	74.42	5	79.42			M	5'9"	180
Campbell, Lovegene ✓	79.30	0	79.30			M	6'7"	200
Coley, Jerome ✓	73.91	5	78.91			M	6'1"	168
Creswell, Carolyn ✓	78.75	0	78.75			F	5'7"	140
Cousins, Stephanie D. ✓	78.64	0	78.64			F	5'4"	120
Creech, Charlotte J. ✓	78.64	0	78.64			F	5'4"	140
Culp, Joe H. ✓	72.69	5	77.69			M	6'4"	180
Hudson, Jodie H. ✓	77.12	0	77.12			F	5'5½"	180
Webb, Xelvin E. ✓	72.03	5	77.03			M	5'11"	190
Reid, Alberta Y. ?	76.76	0	76.76					
Dix, Octavia ✓	76.76	0	76.76			F	5'3"	189
Grady, Chester L. ✓	76.76	0	76.76			M	5'8"	182
Carlock, Allison L. ✓	76.71	0	76.71			M	5'4"	170
Giles, Jesse, Jr. ✓	76.45	0	76.45			M	6'½"	220
Mitchell, Wendell B. ✓	71.42	5	76.42			M	6'3"	205
Willis, George H. ✓	71.37	5	76.37			M	6'10"	180
Cassett, Montes L. ✓	76.30	0	76.30			F	5'5½"	178
Dunn, Willie A. ✓	76.30	0	76.30			M	5'11"	167
Jenkins, Larry W. ✓	71.27	5	76.27			M	5'6"	190

Certified: Personnel Director	Date: 2-3-76	Certification: Appointing Authority

INSTRUCTIONS: This certificate, signed by the appointing authority, should be returned to the Personnel Department within 10 days accompanied by all forms and papers of those certified, including correspondence with those who declined and copies of letters to those who failed to reply.

Selection to fill each vacancy must be made from the three highest ranking eligibles disregarding those who failed to answer or those who refused appointment.

The Merit System Act requires that an appointing authority who passes over the name of an eligible veteran and selects a non-veteran must file with the Personnel Director the reasons for so doing. Indicate the action taken in the appropriate column as follows.

A -- Appointed
B -- Declined offer of Appointment
C -- Considered but not selected
FR - Failed to reply
VA -- Wrong Address

Form 15 (Rev. 8-66)

STATE OF ALABAMA - PERSONNEL DEPARTMENT

REQUEST FOR CERTIFICATION OF ELIGIBLES

Department | 2. Division | 3. Position Number(s)

4. Classification | 5. Location of Assignment | 6. Number of vacancies to be filled

7. Is this work ( ) Permanent? ( ) Temporary - 100 work days or less? ( ) Part-time?

8. Name of previous incumbent, if any | 9. Reason for leaving service | 10. Date position(s) vacant

11. Describe the exact nature of the work to be performed. (Attach Form 40 if this is a new position)

12. Signed Appointing Authority | 13. Date

14. CERTIFICATION | REGISTER | Entrance Salary

Name	Exam. Rating	Vet. Pref.	Total	Action	Effective Date of Employment	Height	Weight
Cole, Thomas L.	71.27	5	76.27			6'0"	190
Stubbs, Thomas C.	71.27	5	76.27			5'9½"	175
Strutt, Sandra Rae	76.20	0	76.20			5'5"	148
Pride, Carl, Jr.	76.20	0	76.20			5'11"	220
McCormick, Henry W.	71.17	5	76.17			5'11"	220
Watkins, James C.	71.17	5	76.17			6'1"	190
Eaton, Cliff	76.15	0	76.15			5'7"	170
Rooks, Eddie L.	71.12	5	76.12			6'0"	212
Blankenship, Paulina	76.10	0	76.10			5'0"	118
Eiland, Stephen A.	76.10	0	76.10			5'0"	140
Lewis, Deborah P.	76.10	0	76.10			5'7"	118
Jones, Stephen J.	76.10	0	76.10			5'8"	138
Newton, James F.	76.10	0	76.10			6'2"	178
Worthey, Paul E.	71.02	5	76.02			5'11½"	190
Kelley, Shirley V.	75.95	0	75.95			6'1"	190
Ainsworth, Thomas William	70.66	5	75.66			5'6"	138
Rushing, Ronnie C.	70.66	5	75.66			6'2"	208
Howard, Robert James	70.16	5	75.61			5'10½"	230
Yates, Frank E., Jr.	75.59	0	75.59			5'6"	148
Spencer, Andrea D.	75.59	0	75.59			5'4½"	130
Milam, Lawrence B.	70.51	5	75.51			6'0"	175
Forbish, Leo Richard	70.35	5	75.35			5'6"	197
Grover, William S.	70.30	5	75.30			6'0"	210

Certified: [signature] | Date: 2-5-76 | Certification #

Personnel Director | Appointing Authority

INSTRUCTIONS: This certificate, signed by the appointing authority, should be returned to the Personnel Department within 10 days accompanied by all forms and papers of those certified, including correspondence with those who declined and copies of letters to those who failed to reply.

Selection to fill each vacancy must be made from the three highest ranking eligibles disregarding those who failed to answer or those who refused appointment.

The Veterans Preference Act requires that an appointing authority who passes over the name of an eligible veteran and selects a non-veteran must file with the Personnel Director the reasons for so doing. Indicate the action taken in the appropriate column as follows.

A -- Appointed
C -- Considered but not selected
D -- Declined offer of Appointment
FR - Failed to reply
WA -- Wrong Address

	Exam.	Score				Sex	Hgt.	Wgt.
Capps, Ronald F.	4404	8517	1	32	1	M	5'11"	155
Carr, William W.	4404	8506	1	38	1	M	6'2"	180
McClaney, Tommie L.	4404	8357	0	25	3	M	6'2"	175
Cook, Robert W., Jr.	4404	7958	1	41	1	M	6'1"	160
Campbell, Lawrence	4404	1930	0	29	3	M	6'7"	200
Cromwell, Carolyn	4404	7875	0	21	4	F	5'7"	140
Cousins, Stephanie D.	4404	7864	0	27	4	F	5'4"	160
Creech, Charlotte J.	4404	7864	0	30	2	F	5'4"	140
Mitchell, Wendell B.	4404	7642	1	23	3	M	6'2"	205
Pride, Carl, Jr.	4404	7620	0	40	3	M	5'11"	220
Crenshaw, Richard	4404	7617	1	34	3	M	5'8½"	170
Conti, Billy J.	4404	7597	1	35	1	M	6'1"	180
White, Allan	4404	7566	1	28	1	M	5'11"	175
Spencer, Andrea D.	4404	7559	0	23	4	F	5'4½"	130
Hardley, Jim, Jr.	4404	7515	1	23	3	M	5'11"	174
Hollinger, Alex L.	4404	7500	1	43	1	M	5'11"	182
Pouncey, Allie T.	4404	7500	1	21	1	M	5'8"	155
Smith, Johnny F.	4404	7500	1	40	3	M	6'0"	185
Cordero, Jose A.	4404	7500	1	37	1	M	5'8"	170
Baker, James M.	4404	7500	1	30	1	M	5'7"	182
Oswald, James R.	4404	7408	0	49	1	M	5'10"	140
McInnis, Donald G.	4404	7356	0	32	1	M	5'6"	160
Stevenson, Emogene H.	4404	7218	0	35	4	F	5'8"	170
Green, Eddie W., Sr.	4404	7203	0	30	3	M	5'9"	175
Creech, Robert E.	4404	7163	0	35	1	M	6'0"	200
Woodfin, Betty J.	4404	7086	0	27	2	F	5'6"	140
Kendrick, Hubert L.	4404	7071	0	22	3	M	5'11"	165
Davison, Charles L., Jr.	4404	7051	0	24	1	M	5'6"	152
McAuley, Kathry A.,	4404	7051	0	41	2	F	5'5"	200
Crapps, Clarence E.	4404	7041	0	37	1	M	5'11"	175
Watson, John S.	4404	7040	0	31	1	M	6'4"	210
Johnson, Robert S.	4404	7035	0	26	3	M	5'7"	180
Cobb, Allen R.	4404	7010	0	27	1	M	6'5"	165
Hardwick, Dianne	4404	7010	0	22	2	F	5'7"	125
Rivers, William E.	4404	7005	0	21	1	M	6'0"	145
Clinner, Betty Sue	4404	7000	0	21	2	F	5'9½"	195
Williams, Lula Mae	4404	7000	0	22	4	F	5'4½"	138
Holmes, Mickey R.	4404	7000	0	26	1	M	6'1"	185
Cruden, James Paul	4404	7000	0	25	1	M	5'8"	180
Warren, Vest Eugene	4404	7000	0	47	1	M	6'2"	180
Spivey, James Alvin	4404	7000	0	21	1	M	6'6"	280
Bryant, James Edward	4404	7000	0	29	1	M	6'0"	176
McInnis, Terry E.	4404	7000	0	21	1	M	6'2½"	175
Shelan, Marvin W.	4404	7000	0	21	1	M	6'0"	195
Bell, Frank	4404	7000	0	42	1	M	5'8"	165
Hubbard, David W.	4404	7000	0	21	1	M	6'2"	160

Hanks, Kenneth W.	4404	7000	0	26	1	M	5'10"	150
Gibbons, Leon L.	4404	7000	0	34	1	M	6'2"	185
Mosley, Wayne E.	4404	7000	0	21	1	M	5'8"	140
Ikner, Thomas W.	4404	7000	0	26	1	M	5'11"	160
Fountain, Nick C.	4404	7000	0	21	3	M	5'8"	155
Curry, Albert Lee	4404	7000	0	26	4	F	5'7"	160

Caption of Order Omitted*

ORDER

The motion of the defendants filed herein February 17, 1976, asking this Court to allow all evidence in this case to be presented orally and in open court, is now presented. Upon consideration of said motion and the memorandum in opposition thereto filed February 18, 1976, by plaintiffs, it is ORDERED that defendants' motion be and the same is hereby denied.

Done, this the 19th day of February, 1976.

Richard T. Rives
UNITED STATES CIRCUIT JUDGE
Frank M. Johnson, Jr.
UNITED STATES DISTRICT JUDGE
R. H. Varner
UNITED STATES DISTRICT JUDGE

PROCEEDINGS

C. ROBERT SARVER

having been called as a witness by the plaintiffs, and having been first duly sworn by the undersigned notary public, was examined and testified as follows:

DIRECT EXAMINATION BY COUNSEL ON BEHALF OF PLAINTIFFS:

BY MS. HOROWITZ:

Q Would you state your name, please?

[Dep. p.4]

A Charles Robert Sarver.

Q Where are you presently employed and in what capacity?

A The University of Arkansas at Little Rock in the College of Law and in the Graduate School of Social Work.

Q How long have you been at the University of Arkansas?

A Since September 1971.

Q Could you state your prior job history?

A Immediately prior to that I was Commissioner of the Arkansas Department of Correction, and in addition to which I served as superintendent of both Cummins Prison and Tucker Prison, the Arkansas Intermediate Reformatory.

Q What were the dates of that service?

A From November 1968 to March 29, 1971.

Q And immediately prior to commission in Arkansas?

A I was Director of the Department of Corrections for the State of West Virginia.

Q What were the dates of that?

A From March 1966 to June 1968.

Q Could you state your educational background?

A I have AB and JB degrees from West Virginia University.

Q Would you discuss your duties as a West Virginia Director of Corrections?

A I was responsible for the care, custody, control, discipline and employment of all adults and juveniles in correctional institution or adults and juveniles on parole or adults on probation.

Q How many facilities were there within the prison system?

A Six. That is adult and juvenile.

Q Total of six?

A Total of six.

[Dep. pp. 4-5]

Q Were the prisons segregated on the basis of sex?

Did you have female prisons and than all male prisons?

A Yes.

Q How many of each?

A There were two female institutes, one at Pence Springs, West Virginia for adult females. The West Virginia Training or Industrial School for Girls was at Salem, West Virginia. They were the two female institutions. The others were all male.

Q What was the approximate size of the prison population when you served there?

A It varied drastically during the mid-60's, from a high of probably 1,500 to a low of some 900 total. That is, adult male inmates.

Q Were between 900 and 1,500?

A Yes.

Q What were the total number of employees within the system approximately?

A Seven hundred.

Q How many of that number were employed as guards?

A The overwhelming majority of them.

Q As many as --

A Six hundred — approximately 650, perhaps more.

Q What were the job requirements for a guard position within the West Virginia system?

A That would vary from institution to institution. With respect to the adult facilities at Moundsville and Huttonville, which were facilities for adult males, the responsibilities included both exterior or external and internal security and all the ramifications that those two types of security involved. The movement of inmates, the protection of inmates from one another, dealing with disciplinary matters.

Q What about specifications as far as the candidates

for the positions? Were there educational minimums?

A No.

Q Did you have height and weight minimums?

A No.

Q When you were in the West Virginia system did you use women as guards?

A No, not in the adult male institutions. We did not.

Q Was there a reason why you did not?

A Several. Didn't have many applications for one thing. Didn't have any that I can recall applying for those kinds of jobs.

MR. FLACK: Are we qualifying him as an expert witness or are we going on to the actual testimony?

MS. HOROWITZ: Qualifying him as an expert.

BY MS. HOROWITZ:

Q Go ahead, Mr. Sarver. You said that women did not apply for these positions. Were there other reasons why they were not hired?

A Well, I attempted to use some females in other kinds of positions other than guard jobs and ran into tremendous opposition from the male security staff there at the time. So there was great opposition to hiring women within the prison system.

Q Could you now describe your duties for me as director of corrections in Arkansas?

A I was responsible for the administrative and executive obligations of the Arkansas Board of Corrections which included supervision of both Cummins and Tucker Prisons and all adults on parole and the majority of the adults on probation.

Q There were Cummins and Tucker. Any other facilities within the Arkansas system?

A No, not in the Department of Correction. The Cummins Institution included the Women's Reformatory where

our adult females were imprisoned.

Q So your prison population was segregated by sex?

A It was.

Q What was the approximate size of the inmate population?

A Total? It varied once again. Pretty close to 2,000, between 1,800 and 2,000.

Q How many employees within the system?

A Very few. That too to some extent fluctuated, probably a total of 50 employees altogether. They used the trusty system. That would vary, but that's kind of an average.

Q And how many of those people were employed as guards?

A Most of the guards were trusties. The staff that were free world staff for the most part were supervisors of trusty guards. The majority of them supervised trusty guards. We had a very large farming operation here so that a lot of our employees were also farm supervisors.

Q To what extent, if any, were women utilized in employment within the Arkansas Prison System?

A I used several women extensively. One was Mrs. Callie Schull who served as dietician and food service supervisor for a year.

Q Was she in a position where she had contact with the prison population?

A Oh, yes. She operated the kitchen alone. She didn't even have any other free world help and she operated it exclusively with inmate help. That was at Cummins Prison, the maximum security unit.

Mrs. Jean Bronson served on my staff here in Little Rock and spent most of her time at Cummins Prison both with the men and the women in special volunteer kinds of — coordinating volunteer efforts with communities and inmates.

Cynthia Houchin was also an administrative assistant

who devoted a great deal of her time between developing programs at both Cummins and Tucker.

Both of those latter two women were in direct contact with inmates also almost all the time. I used women as extensively as I was able to use them. I did not have the opposition here to it that we had in West Virgina.

Q So there were a number of women during your tenure in positions such that they had contact with male prisoners?

A Yes.

Q Mr. Sarver, —

A I might add also that there were a great many clerical and secretarial kinds of people. There were a great number of them in the system, and those which were at the prisons were also positioned where they would come in contact with inmates on a regular basis.

Q Are you personally familiar with prison systems other than West Virginia and Arkansas?

A Yes.

Q Could you name them?

A Alabama, Georgia, Mississippi, West Virginia, of course, and then, of course, a great many jails. Minnesota Prison at Stillwater. You want jails too?

Q I don't need them by name.

How did you acquire this personal knowledge?

A Visiting the institutions and serving as an expert witness for inmates.

Q Could you describe generally speaking the duties of a prison guard?

A Yes. In the broad sense of the word the duty involves both security against escape, keeping the inmates in, and internal security involving keeping order within the institution. This would depend, it would vary from slot to slot what the officers' responsibilities would be. For example, a tower guard has rather limited responsibilities. He's con-

cerned almost totally with external security. His responsibilities involve keeping the inmates in.

The officers in a cell block on the other hand would have much more diverse responsibilities.

Q Could you give us a profile of the average prison guard in terms of sex and age and education?

A He is probably white, male, eighth grade education, eighth to tenth perhaps. Rural background. Probably between the ages of 45 and 55.

Q What in your opinion are the qualifications that a prison guard should possess in order to perform effectively?

A Compassion, love for his fellowman, general sense of fairness, common sense, and good sense of humor.

Q How important is physical strength in your opinion?

A Not important at all.

Q In your opinion would the fact that a person holds a degree in a related field have a correlation with that person's ability to perform as a prison guard?

A It probably would, yes. It would indicate in the first place great motivation, a lot of interest and pretty good insights in the human behavior problem.

Q In your opinion, Mr. Sarver, is there a positive correlation between a person's height and weight and that person's ability to perform as a prison guard?

A None whatsoever.

Q In your experience does one out of one combat situation arise frequently within the prison system?

A Between officers and inmates?

Q Yes.

A No.

Q With what degree of frequency generally speaking would you say it occurs?

A Rarely.

Q In your experience do most prison systems segregate

the inmates by sex?

A Yes.

Q Do they assign male guards to male prisons and female guards to female prisons, generally speaking?

A Yes.

Q Mr. Sarver, is there any reason in your opinion why women should not be hired and assigned as prison guards on an equal basis with men?

A None

Q Is there any risk of sexual assault if you put a woman as a guard in contact positions with male prisoners?

A Oh, I suppose there's an element of it. There would be in anything. I would say, however, it would be negligible.

Q The risk of sexual assault would be negligible?

A The risk of any kind of assault.

Q Do you think that using women such that they are in contact with male prisoners infringes on the privacy rights of those prisoners?

A Not any more than their rights of privacy are infringed upon by male guards.

Q What are the advantages to a prison system, if any, in your opinion, of hiring and assigning women on a equal basis with men?

A Say that again.

Q Are there any advantages in your opinion in hiring and assigning women on an equal basis with men?

A Yes. My experience has been that when women are used in close contact with male inmates that the male inmate's behavior generally seems to improve. He will shave more frequently. He will bathe more often. His language will clean up. He will generally make himself more nearly a gentleman than he might if he were around male officers all the time.

Q Mr. Sarver, you stated that you were personally

familiar with the Alabama Prison System, correct?

A That is correct.

Q Could you describe specifically the nature and dates of your contacts with the Alabama Prison System?

A Yes. I visited the Fountain Facility at Atmore, Alabama on January 6th, I believe. That would have been 1975.

I visited Mount Meigs, Draper and Holman in August 1975. I went back to Fountain again on that same trip so that I have had those visits.

Q Are you familiar with the functions of a correctional officer or correctional counselor as they are currently used within the Alabama systems?

A Generally, yes.

Q Based on your knowledge of the Alabama system, Mr. Sarver, in your opinion is a height requirement of five feet, two inches and a weight requirement of 120 pounds a valid criteria for measuring, a person's ability to perform as a correctional officer or correctional counselor?

A No.

Q By way of illustrating that answer, Mr. Sarver, I will give you a hypothetical. If you had two candidates for the position of prison guard, one five feet, five inches and one five feet, one inch and you knew nothing else about either person, could you say the taller of the two could perform better?

A No.

Q And another hypothetical. If you had two candidates, one of whom weighed 125 pounds and one of whom weighed 115 pounds, knowing nothing else about either candidate, could you say that the heavier of the two would perform better?

A No.

Q One more hypothetical. If you had two candidates, one of whom had a degree in correctional psychology and one

who had a high school education which of the two would you hire?

A The one with the degree.

Q And why?

A Simply more experience for one thing. Perhaps too nothing more than having lived a little longer. Probably somewhat older. Once again, showing the motivation and interest and stick-to-itiveness to have gone and obtained the degree.

But I think even more selfishly I would be looking toward the future for that person and being able to use that person as something other than a prison guard in the future. I have never had the luxury of a college graduate to ever apply for a job as a prison guard.

Q Based on your knowledge of the Alabama Prison System would you characterize the job of a prison guard as physically dangerous?

A There's an element of danger, yes. Always in a prison there's that element. There is a tense atmosphere.

Q What qualities do you think a guard should posses in order to cope with the job's element of danger?

A Common sense, fairness, stability, mental and emotional.

Q Do you think this ability to cope is dependent on the guard's sex?

A No, it is not.

Q Do you think it's dependent on physical strength?

A None. There is no way physical strength could help you in a situation like that.

Q Why do you say that physical strength is irrelevant?

A Because you are really a minority when you are in an institution. This is particaularly true in Alabama where one officer may be responsible for supervising four barracks at one time. There would be no way, no matter how large or

how strong or how heavy or how tall he is, no way in the world he could ever protect himself if they wanted to get him. It wouldn't matter what his sex was.

Q And if there were trouble would he have to proceed alone or would he be able to call for help?

A It would be preposterous to proceed alone. He would have to send for help.

Q Now you said earlier that generally speaking the occurrence of one out of one combat between an officer and an inmate is very infrequent, is that correct?

A That's correct.

Q Is this true with respect to the Alabama Prison System?

A I would think so. Of course, the question raises the issue of whether one must use hand to hand combat or whether one can use other means of getting a situation under control. A good-trained officer doesn't very often have to use physical force.

Q Mr. Sarver, would you say that a women who is five feet, two inches high and weighs 115 pounds would on the basis of those factors, her sex and her size, be unable to cope with the element of danger involved in being a prison guard?

A No, that doesn't correlate at all.

Q Is one function of an Alabama Prison guard to maintain order and security within the system?

A Yes.

Q Is that a major function?

A Yes.

Q And do you think that this ability is dependent on the guard's sex?

A No.

Q Is it dependent on physical strength?

A No.

Q And if you had a women who was five feet, two inches

tall and weighed 115 pounds, would her sex and her size prevent her from being able to function and maintain security and order within the prison system?

A Not those factors alone, no.

Q Mr. Sarver, are you familiar with the recent court order pertaining to Alabama's prisons?

A I am.

Q Let me ask you what effect, if any, you think this will have, implementation of that order will have on the guards as far as their work atmosphere is concerned?

A It should improve it drastically.

Q And will it in your opinion reduce the element of danger within the job?

A Yes, it will.

Q Could you tell me why?

A Well, for one thing the order calls for almost a doubling of the guard force which should take some considerable pressure off of the officers. I saw officers and talked with officers at Atmore who were indeed responsible for four barracks. One officer responsible for four barracks during the very busy time of the day when I was there. That is like no security at all. Certainly that situation should be improved with the implementation of the order.

Q What about a classification system for inmates?

A The key to successful control of any prison or correctional institution is its classification system. With sophisticated classification methods inmates can be housed segregated, worked if you will, who are difficult inmates can be kept apart. Staff assigments can be made on the basis of that classification. More nearly tailored treatment programs can be provided within the system which is not possible now.

Q So in your opinion just the implementation of the classification part of the order alone will greatly improve the work atmosphere of the guards. Would that be a correct

statement?

A Yes. For example, Mount Meigs was terribly overcrowded as it was in August when I last saw it, had all types of inmates in the barracks. They were assigned largerly on the basis of space available. It had nothing to do with the nature of the offense, the size of the inmate or his potential for violence, his likelihood of rehabilitation, the length of his sentence. When sophisticated or more nearly sophisticated types of procedures are implemented inmates can be separated so that it is much easier to control them.

Q Is there any reason in your opinion, Mr. Sarver, why women should not be hired and assigned as correctional officers or counselors in the Alabama Prison System on an equal basis with men?

A None.

Q Would you think that there would be a high risk of sexual assault if women were utilized in such a way that they were in contact with male prisoners?

A I don't think so. Certainly there would be a higher risk than would be the risk now with no women there at all. It's not likely the inmates would assault a male officer sexually. I do think, however, that that risk would be negligible.

Q Do you see in the Alabama system any invasion of inmates' rights of privacy were women to be ultized in contact positions?

A Alabama prisoners don't have any privacy now. Even in isolation there are as many as four and five people in the cell.

MS. HOROWITZ: No further questions.

CROSS EXAMINATION BY COUNSEL ON BEHALF OF DEFENDANTS:

BY MR. NEWMAN:

Q You were Commissioner of Corrections in West Virginia from March of '66 to June of 1968?

[Dep. pp. 19, 20]

A Right.

Q At that time was it your testimony that there were no women in the male institution?

A No guards.

Q What was your definition of a guard in West Virginia?

A I don't think I defined it. Do you want me to define it?

Q Yes.

A This would be speaking now at Moundsville and Huttonville.

Q Let's confine this to adult male prisoners.

A Okay. The guards' responsibilities generally were to preserve external security to keep inmates from escaping and to maintain order within the institution. Control the cell blocks, control the movement of inmates, control their activities and conduct, release them from cells and return them to cells and generally supervise the inmates within the system.

Q And is it your testimony that in West Virginia you did not supervise any women in such a position?

A We did not have any women serving in those positions there, that is correct.

Q Now in Arkansas what was your definition of a guard?

A It was much broader than it was in West Virginia. The overwhelming majority of the guards in the Arkansas Prison System were inmates. They were trusties.

Q Did you have any women guards that met that qualification?

A No, we did not because these were all inmates. Now we did use women trusties at the women's prison.

Q So would it be your testimony that you did not supervise any women guards in the State of Arkansas?

A That is correct.

[Dep. pp. 21, 22]

Q And these women that you mentioned that you supervised were not guards?

A That's correct.

Q They would be more in an adiministrative position?

A Administrative position as opposed to security.

Q I believe you testified that they had contact with the male inmates. What was that contact?

A In Mrs. Schull's case it was supervisory. She had probably as many as 50 inmates assigned to the dining room and to the kitchen and she was solely and singularly responsible for the operation of the kitchen and dining room and it was a major institution. She did it alone. She did it all herself. There wasn't even any free world staff at all. She ran the whole thing.

Q And what was the nature of the contact that the other two women had?

A Largely treatment type contact, treatment and organization. In Mrs. Houchin's case it involved the establishment of various treatment programs within the institution. She did supervise groups of inmates setting up such things as AA for example. Alcoholics Anonymous. She organized and helped to implement an educational program where inmates would teach other inmates their skills since she had no treatment staff.

With Mrs. Bronson largely it was coordinating the efforts of people in the community who were volunteer groups to work with inmates who were about to come out of the institution.

Q For an inmate to come in contact with this woman would he have to meet a certain criteria?

A No. As a matter of fact, all three of these women had access to the main body of the population and frequently spent time back there, back in the barracks area. The trusties were always very nervous when they were back there

and some of the supervisors had expressed some concern about them being back there. But they did have access to anywhere in the prison they wanted to go.

Q Then would I be correct in saying that it is your testimony that you have never supervised a woman in a guard position as defined in the State of West Virginia or the State of Arkansas?

A In an adult male prison, that is correct.

Q Have you ever done any studies on a woman's ability to be a prison guard?

A No study. I am familiar with some systems, at least one, where women ar used as guards. This is the DuVall County Jail in Jacksonville, Florida.

Q What is the amount of your familiarity with that system?

A I was an expect witness for prisoners in Jacksonville, Florida. I am quite familiar with both the jail and the system and how it operates.

Q Would you like to tell us about how much time you spent familiarizing yourself with that system?

A I think I have been there on three occasions. I think that's right. Three different occasions that I have been there. I have talked with some of the females about their role. However, that was not my reason for being there, to check on female guards. Frankly I was surprised when I saw them. But I was there to deal with internal security matters.

Q And that is your only familiarity with a system that uses female guards?

A No other one comes to mind at the moment.

Q Is that the DuVall County Jail?

A In Jacksonville, Florida.

Q What type of prisoners were maintained there?

A The same kind of prisoners that are kept in jail everywhere. Accused felons and people who are in there for

misdemeanors.

Q In other words, pre-trial detainees—my definition of pre-trial detainee is one who is being held there awaiting trial, and those convicted of misdemeanors?

A That would be right.

Q Were there any serving state sentences in the DuVall County Jail?

A Not to my knowledge.

Q Any serving felony sentences in the DuVall County Jail?

A Not to my knowledge.

Q Do you have any idea how many systems use female guards?

A. I don't. I really don't know.

Q Would it be few or would it be many?

A I don't know, Mr. Newman.

Q I don't want to put a hypothetical to you. If you had a person who was four feet, seven inches tall and a person who was five feet, two inches tall, and they had the same background, same educational experience, what would you base your decision on as to whether or not to hire this person?

A I think I would have the same problem with that that I would between any two people who had the same qualifications and the same background. I would have little apart from my interview of which person unless he or she came highly recommended from somebody else. I would not allow the size or the height to be the determining factor at all.

Q Let's put a hypothetical that all the determining factors except the height were the same?

A I would have the same problem I suppose that I would with anybody else.

Q What is the definition known to you of a correctional counselor in the Alabama Prison System?

A My understanding and what it intends to be are prob-

ably totally two different things. My understanding is that a correctional counselor is a rhetorical term for what used to be called a guard.

Q And what is your understanding of the duties of a correctional counselor?

A Same duties that a prison guard would have depending on the slot to which the officer was assigned at the time.

Q Be then to control inmates?

A. Yes.

Q Would that duty include controlling internal security?

A Yes. Ingress and egress to and from barracks, to and from work details, to and from the dining hall, all of these kinds of inmate movement.

Q Would this include spot checks of the dormitory?

A Yes, it should certainly.

Q What about spot checks of bathroom facilities?

A Certanly, yes.

Q It is your testimony that a woman spot checks a bathroom facility where a male's privates would normally be exposed and this would not be an invasion of his right of privacy?

A It strikes me as funny that the Alabama Prison System is at all concerned with the rights of privacy of the inmates. It never has been before. In my opinion it doesn't make a bit of difference whether that privacy is being invaded by a male or a female.

Q It is a duty of a correctional counselor to strip search an inmate?

A It could be. May be from time to time.

Q Would you feel that that would be an invasion of his right of privacy to be strip searched by a female correctional counselor?

A I don't think so, no.

Q Would it be the duty of a correctional system to

classify and segregate those inmates that are bent toward violence from those who are not?

A It would be very helpful, yes.

Q What about separating those that are smaller and weaker from those that are larger and stronger?

A That too could be a factor in classification, yes.

Q And what would be the purpose for this?

A. Control. Protecting inmates from each other.

Q Are you aware of any studies that have been made on the ability of women to function as correctional officers or guards?

A I am not.

Q Then you would not know whether these studies if there are any would be conclusive?

A I do not.

Q I believe you testified you were not aware of any other system besides DuVall County that utilizes women as guards?

A I am not personally familiar with any, Mr. Newman.

Q Have you in your experience as the Commissioner of Corrections in both West Virginia and in Arkansas ever had to deal with a hostile situation?

A Yes.

Q Would that decision that you made under those circumstances be swayed in any way if the hostage was a female?

A It would not in any way.

Q Are you familiar with the number of females employed as guards or correctional counselors in the Alabama Prison System?

A I am not. I did not see any when I was there but that doesn't mean there are not some there.

Q You are not familiar then with the positions that they hold as correctional counselors?

[Dep. pp. 28, 29]

A If there are any, I am not familiar. That's correct.

Q Do you know the number of female guards in the DuVall County Jail?

A No, I don't know the total number.

MR. NEWMAN: That's all I have.

REDIRECT EXAMINATION BY COUNSEL ON BEHALF OF PLAINTIFFS:

BY MS. HOROWITZ:

Q You testified that the only system that you are personally familiar with that uses female guards is DuVall County Jail, is that correct?

A That's correct. The only one with which I am familiar.

Q Is there any difference in your opinion as far as the function of a guard is concerned between working in a prison and working in a jail?

A I think a jail is more dangerous.

Q Why do you think that?

A Because the population is a transient population. Many tensions and anxieties exist in a jail which do not exist in prisons, such as frustrations over the inability to make bail, frustration over the inability to contact counsel, or if counsel is contacted, to make meaningful contact. The uncertainty, the unknowing, the anxiety of simply not knowing what's going to happen to one makes tension greater in a jail than it is in prison where at least the matter has been resolved albeit against you.

There is a stability in prison which does not exist in jail. Turnover in jails is phenomenal. Men and women are brought into the jail who are withdrawing from drugs, who are on trips on drugs, and who are alcoholics and have withdrawal problems there. These kinds of problems make jails, I believe, more difficult to deal with than prisons.

Q Mr. Sarver, you are familiar at least as a lay person

[Dep. pp. 29, 30]

with the general duties and responsibilities of a police officer in an average city police department?

A Yes.

Q Could you base on your experience in the prison system, make any comparison between the element of danger involved in a police officer's job and that involved in a prison guard's job?

A I think the element of danger for a policeman is always a great deal greater than the danger factor of a prison guard.

Q Why would you say that?

A Because of the nature of the duties and the mission of a policeman which is to detect—investigate, detect, apprehend, and assist in conviction as opposed to functioning in a relatively stable environment of a prison.

MS. HOROWITZ: Thank you. I have no more questions.

RECROSS EXAMINATION BY COUNSEL ON BEHALF OF DEFENDANTS:

BY MR. NEWMAN:

Q Have you ever been in charge of any institution where the guards did not carry firearms?

A I have never been in an institution where guards do carry firearms. We always had a saying that if you carry a weapon into an institution it better be made out of chocolate because you sure have to eat it.

Q I hate to make these comparisons, but you were talking about that the only system that you are familiar with is DuVall County. Did you have an opportunity to watch the day to day performance of the female guards?

A Only during the period of the time that I was there. I talked with several and inquired. I was somewhat surprised that—I consider that quite a breakthrough. And I discussed with them generally their responsibilities. And the impression that I got was that the female fills the typical guard's role.

[Dep. pp. 31, 32]

As I indicated earlier, my purpose in being there was not to do that and I didn't dwell on it at great length. But they were uniformed officers and the only difference between them and the other officers, they looked just exactly like any other officers except they had skirts on.

Q And you don't have any idea how many there were?

A I don't know the total number. I talked with probably three. I'm sure that I observed five.

Q Is the DuVall County Jail a single cell type operation or is it a dormitory type?

A Well, it's neither. It's a very heavy maximum security type jail. It's not very old. It has what are referred to as bullpens and these are areas off which cells open onto a small area. They are multiple cells but not dormitories. Some of the cells have provisions for eight inmates, some have as few as four, and there are some cells for two. It depended on the flow and depended upon the degree of security. There is pretty heavy security. It is not like a dormitory at all.

Q You have been to other systems and you are familiar with other systems, especially Arkansas and West Virginia. Would you say that each system has its own problems and is different in its own way?

A There is not a substantial difference for example between Fountain and Cummins, at least as they were. Cummins is very much like Fountain is now. Cummins has "come a long way."

Parchman is somewhat different. That's in Mississippi. It has some 21 separate camps.

Draper in physical plant is somewhat similar to Georgia's Breedsville except that it is smaller. The problems are not vastly different. There would not be that much difference between a felon in Alabama and a felon in Georgia or Mississippi or Arkansas in confinement of a maximum security type facility.

[Dep. pp. 32, 33]

The situation in Alabama is largely one of barracks. West Virginia was a very large walled single cell institution. And the problems, of course, in that kind of prison are vastly different. But given the farm-based dormitory style living there would not be a vast difference in the problems of running the two institutions.

Q When you say running is that to mean maintaining security also?

A Well, security is always a greater problem when you don't have the walls for prisoners to crawl over. For that reason some systems such as Cummins, Fountain and the one at Angola, Louisiana refer to an escape as an elopement or a walkoff as opposed to an escape which denotes a considerable amount of ingenuity involved and perhaps some physical power to get over that wall. The escape factor is greater where the men are working out in the fields all the time. They can walk off so much easier than they can in a maximum security type prison.

Q What about internal security? Is there a difference in dormitory and cells?

A Yes. The farm-based system is much, much more difficult to control where the men are in a dormitory situation. Where men are in individual cells obviously it's much easier to control when they are locked in individual cells. You can also protect them from each other.

Q. In other words, the difference in the facility would necessitate a difference in the amount of security needed?

[Dep. p. 34]

Caption of Amended Complaint No. 1 omitted.

AMENDED COMPLAINT NO. 1

Come now the plaintiffs in the above-styled cause and as a matter of right, in accordance with Rule 15(a), F.R.C.P.,[1] amend their complaint as follows:

(A) By deleting from "Section III. Class Action" the following language:

> Plaintiff Rawlinson also represents a subclass of all women who might be employed or are applicants for employment with the Board of Corrections for the position of Correctional Counselor.

and inserting in its place:

> Plaintiff Rawlinson also represents a subclass of all women who are employed, might be employed or are applicants for employment with the Board of Corrections for the position of Correctional Counselor, Correctional Counselor Trainee or Correctional Officer.

(B) By adding the following paragraph:

X. FIFTH CAUSE OF ACTION

1. Defendant Board of Corrections has maintained and continues to maintain a policy and practice of discrimination against women in the hiring and assignment of Correctional Counselors, Correctional Counselor Trainees, and Correctional Officers.

2. Women are not hired or assigned as Correctional Counselors, Correctional Counselor Trainees, or Correctional Officers on an equal basis with their male counterparts.

3. No women are or ever have been assigned to "con-

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[1] Rule 15(a) states, in pertinent part, "A party may amend his pleading once as a matter of course at any time before a responsive pleading is served . . ." The defendants in the case sub judice have filed a motion for summary judgment and a motion to dismiss. Neither motions are responsive pleadings. Fuhrer v. Fuhrer, 292 F.2d 140 (7th Cir. 1961); Ohio Casualty Ins. Co. v. Farmers Bank of Clay, 178 F.2d 570 (6th Cir. 1949); United States v. Newbury Mfg. Co. 123 F.2d 453 (1st Cir. 1941); See generally 3 Moore's Federal Practice para. 15.07[2].

tact" positions in any of the all-male facilities maintained by the Board of Corrections. ("Contact" positions are those which require constant or daily interaction with inmates, *e.g.*, dormitory patrolling.)

4. The policy of the Board of Corrections in refusing to assign women to "contact" positions in any of the all-male institutions limits employment opportunities for women to those positions where no inmate contact is required.

5. Defendant Board of Corrections' policy and practice of refusing to hire and assign women on an equal basis with men, solely because of their sex, discriminates against Plaintiff Rawlinson and the members of her subclass in violation of 42 U.S.C. § 1983 and the equal protection clause of the fourteenth amendment.

(C) By deleting from "X. Relief" (which now becomes section XI.) the following paragraph:

c. Award back pay to any women who have been applicants for the position of Correctional Counselor but who were not hired because of the minimum height and weight standards.

and adding:

c. Issue its declaratory judgment that Defendant Board of Corrections discriminates against women in the hiring and assignment of Correctional Counselors, Correctional Counselor Trainees, and Correctional Officers.

d. Issue an injunction permanently enjoining the defendants from discriminating against women in the hiring and assignment of Correctional Counselors, Correctional Counselor Trainees, and Correctional Officers.

e. Award back pay to any women who have applied for the positions of Correctional Counselor, Correctional Counselor Trainee, or Correctional Officer but were not hired because of the sexually discriminatory practices of Defendant Board of Corrections.

Respectfully submitted,
JOHN L. CARROLL
PAMELA S. HOROWITZ
JOSEPH J. LEVIN, JR.
MORRIS S. DEES
1001 S. Hull Street
Montgomery, AL 36104
ATTORNEYS FOR PLAINTIFFS

MR. JUDSON C. LOCKE,

of lawful age, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CARROLL:

Q Would you state your name for the record, please.

A Judson C. Locke, Jr.

Q Would you agree to waive your signature to this deposition?

A Yes.

Q Would you state your present position for me, please?

A I am Commissioner for the Board of Corrections.

Q Could you give me a work history of the jobs that you held leading up to your present position?

A Well, I began as Institutional Classification Officer at Fountain, presently Fountain. Then I was Chairman of the—

Q (Interrupting) When was that, sir?

A It was in 1957. I was the Pilot, Institutional Officer at that institution. Then, in 1961 I was transferred to Central Classifcation where I became Classification Supervisor and Chairman of Central Classification Board.

In 1966 I was made Director of the Frank Lee Youth Center; and, in March or 1972 I was Warden at Kilby—that

was the Medical Diagnostic Center at that time. From there, in July of 1972, I became Deputy Commissioner and held that position until December of 1975. And, I became Warden at Draper and remained Warden at Draper until August of 1975, and I became—

Q (Interrupting) I think you meant December of 1974, didn't you?

A No.

Q December of 1975?

A 1974, excuse me, correct. I was made Warden December of 1974 and remained there until August of 1975, and then I became, I was Deputy Commissioner between August and took over as Commissioner in October of 1975.

Q I believe you mentioned you are an Institutional Officer or Institutional Classification—

A (Interrupting) Classification Officer.

Q What were your duties as an Institutional Classification Officer?

A Well, the duties were to assist the Warden in administrative details in assigning inmates to institutional jobs, and to custody determinations.

Q And you were also Warden at Draper; is that what you said?

A Yes.

Q Were you Warden at any other facilities?

A At Kilby.

Q The Medical and Diagnostic Center?

A And I was Director at the Young Center, which is the head of it, Institutional Head.

Q Could you give me a brief summary of your educational background, sir?

A I have a degree in Sociology, a minor in Political Science from the University of Alabama. I have a Teacher's

Certificate from the University of Alabama, and work toward a Master's.

Q What are your present duties as the Commissioner of Corrections for the State?

A Well, the Commissioner works at the pleasure of the Board of Corrections, a five member board, and under me I have two deputy Commissioners who are appointed, and all other employees are merit system. My duties are to plan and to formulate plans to oversee the supervision operation of all of our institutions, to formulate policies for this operation, supervision.

Q I want to ask you a series of questions now about the various merit system positions in the Alabama Adult Correction System. What is the position of Correctional Officer? What are the particular duties of a Correctional Officer?

A You mean the Security Officer, the Correctional Officer Counselor?

Q I am speaking about the classification of Correctional Officer.

A Well, this is somewhat of a misnomer. We don't have a Correctional Officer classification as such now in existence.

Q When was it done away with?

A When we adopted the Minimum Standards.

Q And when was that?

A This was in, I believe, it was passed in the Legislature in '73.

Q So you no longer are hiring into the position of Correctional Officer at all; is that an accurate statement?

A Now we are re-employing some very few who are on the re-employment registers as Correctional Officers, but to answer your question, we are not pursuing this goal. We are hiring as Correctional Counselors.

Q There are people presently employed as Correctional

Officers?

A Yes, they are protected by the grandfather clause.

Q What are their particular duties?

A The Correctional Officer?

Q The Correctional Officer.

A I suppose you mean—you see I am having difficulty differentiating. We have a Security Class here comprised of the Correctional Counselor and Officer. The duties—

Q (Interrupting) Are the same?

A (Continuing)—By and large initially the same.

Q Okay, let's then talk about the Security Class, which according to your testimony comprises the Correctional Counselor and the Correctional Officer.

A Um hum.

Q And just to set the record straight, you are no longer hiring people as Correctional Officers?

A That is right.

Q When you hire people into the system, you hire them as Correctional Counselors?

A My policy is not to hire unless they meet the minimum standards.

Q The Security Class, as you call them, can you describe their duties for me, please?

A Yes, they have the over-all duty of maintaining security of the inmate, that is custody of the inmate, control of the inmate, to supervise him in his duty assignments, to perform shakedown of the person and do also counseling.

Q Who determines the assignment of Correctional Counselor/Correctional Officers in the actual institutions themselves?

A The Warden; the Warden has the final say-so.

Q Is there a rotating, or the jobs in the institution are on a rotating basis? In other words, a person say who sits on the gate one day will move into another position the next

day, or are they pretty much permanent assignments?

A He should be able to—the employee should be able to work in any position.

Q What duties do the Security Class people have that involve contact with inmates?

A Well, you mean physical contact?

Q Physical contact.

A Per se.

Q Vs. eye contact.

A It would be in the shakedown of a person, a strip shake, a pat down shake; also, when he would have occasion to physically subdue the inmate obviously.

Q In the institutions like Fountain, where there are dormitories used, Correctional Counselors patrol the dormitories, is that correct?

A Well, we have posts, theoretical posts set up to where we can afford the sufficient personnel that will be patrolling the dormitories.

Q But that doesn't exist right now?

A We have many dormitories that one officer sometimes patrols, but we have a minimum, as is set up, designated a minimum of two officers per dormitory when we get up to full strength. And, this would also include people in the hall, etc.

Q How much of the Correctional Counselor's day is involved in dormitory patrol, or do you see that will be involved in dormitory patrol when you implement that particular program?

A You mean of any particular shift?

Q On a given shift, right.

A Well, if you set up a post, stationary post, and this will be a full eight hour post, if you have two officers there in the dormitory, then he will be there for the duration of his shift.

Q Now, the officers in the dormitories, will they conduct latrine inspections at the same time?

A Yes, they would conduct an over-all inspection, over-all supervision, including shakedowns and counts, etc., security checks. I wouldn't have him sitting in a chair, for instance, see.

Q In a given day, how many strip searches are conducted by Correctional personnel?

A This would vary from institution to institution, according to the operation, particular operation that is involved in that institution, you know, as opposed to outside—those that work outside. If you are an institution and have inmates employed outside the institution, you would have a strip search coming back.

Q What institutions are we talking about?

A Then you would have the inside institutions, if this was not employed, working outside. Any time that you have reason to suspect that contraband is being carried from one point to another, you would require a strip search. You do this periodically. You do it on information. You do it routinely, if they are going from outside to inside.

Q So, these facilities where outside personnel are utilized, how many of them are there?

A Well, of course, all your trusty facilities and all your work release facilities. Of course, this is a little bit different type, when you get to work release. This is the cream of the system. You have more trust in this type of individual. But, you have Fountain and Draper, also Kilby, Cattle Ranch. The only institution where you don't have inmates employed to any degree outside, other than to clean up and grass cutting, would be Holman.

Q How many people, say, at Fountain are involved in outside employment?

A Excluding work release, we have two operations; we

have work release of 140 —

Q (Interrupting) Excluding work release.

A We have about 300 on any given day, and this will increase as we get more personnel.

Q How about Draper?

A Draper, you would have about 400.

Q How about Kilby?

A Kilby, you would have around, probably 30.

Q And how about the Cattle Ranch?

A The Cattle Ranch, you would have the whole group, 60.

Q So, is it your testimony that 300 people at Fountain, 400 people at Draper, 30 people at Kilby and 60 people at Cattle Ranch, undergo strip searches when they return to the facilities?

A No, I didn't say every day. At Draper they undergo strip search, those that work at the Central Warehouse and those that work at the Highway Department; those that have access to civilians, they undergo strip search daily.

Q And how many people are we talking about there?

A At Draper?

Q Right.

A Well, when I say this, I am saying that these particular numbers are done systematically. Now, you have periodic shakedowns of all these people, see.

Q Periodic shakedowns of all the people that work outside?

A Plus those that work inside periodically, and on information.

Q How many times are we talking about do these periodic searches occur?

A Oh, I would say —

Q (Interrupting) On an average.

A Average, once every ten days, other than those that

are every day.

Q How many would you say at Fountain are strip searched every day?

A I would just have to estimate this. I would say probably a hundred.

Q And how many guards are actually involved, and I may use the term "guards" throughout, but when I say "guard" I mean "Security Classification"?

A Uh-hum.

Q How many guards are involved in the strip search of these 100 people?

A I would probably say 5 to 7.

Q And what is the total guard force down there, presently at Fountain?

A The total would be —

Q (Interrupting) At a given time when these strip searches would occur?

A You mean any given shift?

Q Any given shift.

A It would be about 18 to 20.

Q And what are your plans for increasing this force? How many are there going to be when the Court Order is fully implemented?

A There will be about 35.

Q Now, at Draper, how many people are strip searched on a daily basis?

A About 55-60.

Q And how many guards are involved in that strip search?

A About 4.

Q And how many guards are on a given shift at Draper?

A I would say about the same number as at Fountain, maybe a fewer number.

[Dep. pp. 14, 15]

Q Now, these strip searches we are talking about all occur during one shift, is that right, or do they occur throughout the day?

A Well, they occur throughout the day, whenever the occasion indicates it.

Q I am speaking now primarily about the strip searches that are done every day.

A Systematic?

Q The systematic strip searches.

A Yes, they would be done on one shift.

Q Now, the 30 people at Kilby, how many of those are strip searched on a daily basis?

A They would have, I think they would probably have, unless they had indications something had been smuggled in, it would be just a random type strip search.

Q So there is no systematic strip search at Kilby?

A Not to my current knowledge.

Q How about the Cattle Ranch?

A No, I don't think there would be a systematic search over there.

Q In any of the regulations that the Board of Corrections hands down, is there any particular orders to the particular Wardens as to how often, say, something like a latrine inspection is supposed to occur?

A It is general orders to this effect that they would be conducted by certain designated personnel in the institution.

Q And how often?

A And as a follow-up, we have general office personnel by directive to conduct a thorough inspection.

Q How often are the latrines inspected?

A Daily.

Q During each shift, or once a day?

A I think probably once a day.

Q In the Answers to the Interrogatories that we pro-

[Dep. pp. 15, 16]

pounded to you, and that you furnished us, there is a category "Correctional Officer — Female". Now, is it my understanding that that position is also being phased out?

A Yes.

Q What was the position when it was in existence? And what do those people that are presently Correctional Officers — Female do?

A The same answer I made to your other question would apply here.

Q Where are the Correctional Officers — Female utilized?

A At Tutwiler.

Q Exclusively?

A No. They may be used for shakedown during visitation, preliminary search of the person, where there is probable cause at Draper and at Kilby.

Q And is the search —

A (Continuing) — And Fountain and Holman.

Q And the search these Correctional Officers Females conduct exclusively on females?

A Females, right.

Q Are there presently male security personnel at Tutwiler?

A We have three.

Q And what are their functions at Tutwiler?

A They are assigned to a hall, and they use them to subdue unruly female inmates.

Q Do they patrol the halls?

A No.

Q Where are they stationed?

A They have one station at night there, in the hall area, not in — in other words, they have dormitories there and they are locked in after 10:00 at night, and he is in the central hall area on that night shift, and then you have one at a back

tower during the day.

Q If a female inmate —

A (Continuing) — and one during visitor's on a Sunday.

Q If a female inmate becomes unruly on the cellblock stair or dormitories at Tutwiler, however you want to describe them, does the male person there on duty go into the female area?

A Only when summoned by the supervisory staff there, and under their supervision.

Q Does the Board of Corrections presently employ women in the Security Force outside of the women that are at Tutwiler?

A Yes, as Correctional Counselor. We have 46, as a matter of fact.

Q How long have you employed women in the position of Correctional Counselor?

A We have employed them at Tutwiler since there has been a woman's prison, from time immemorial.

Q How about at an all male institution?

A We have, I think the first female employed other than at Tutwiler probably was at the Frank Lee Youth Center as a Youth Development Officer was the position. She was basically a stenographer-interviewer-counselor type, and then after that, to further answer your question, we began hiring the Correctional — not Correctional but the — yes, the Correctional Counselor.

Q You said that there are now 46 women employed with the Board?

A There may be a few more, but as of a week ago or two ago.

Q Where are these women assigned to, are some assigned to Tutwiler and some assigned to the male institutions?

A Some are assigned to Tutwiler; do you want me to name the institutions?

Q Please. If you have numbers, I realize you have answered these questions in Interrogatories, but for purposes of our discussion, if you have numbers that would aid in the questioning.

A I can't break it down by institutions, but I can state that most of them are hired at Tutwiler. You have some at Kilby and Draper, I think maybe at Draper 3, some at the Youth Center, some employed in work release, pre-release, work-pre-release, and Fountain and Holman.

Q How many Correctional Counselors, as a rough estimate, are now employed at Holman?

A Correctional Counselors?

Q Correctional Counselors. Female Correctional Counselors, I'm sorry.

A At Holman I would say probably no more than 4.

Q How about at Fountain?

A Fountain, I think they have 5 there in Fountain proper. They may have some more on pre-release.

Q Now, the Answers to your Interrogatories show that there are two females employed at Holman; has that increased, or is it 2, 3, 4?

A I believe there are 3 there, the last, I was down there two weeks ago and I saw 2.

Q And your Interrogatories also say 3 at Draper; is that about correct?

A Yes, it wouldn't be over 3.

Q And 3 at G. K. Fountain?

A I believe we have 5 there now.

Q These 2, 3 or 4, how many female Correctional Counselors there are at Holmon, what specific duties do they perform at the institution itself?

A One of them is assigned to the main entrance and maintains a register of visitors, and does other office type work. She doubles for secretary. I am sure she is utilized on

[Dep. pp. 20, 21]

the visits to do some of the preliminary superficial shakedown of women. Another one is engaged in the central control.

Q What is the Central Control?

A This is the electronic nuclear cell for opening gates. You have switches and what-not.

Q Do you have any idea where the other ones are assigned, if they are there, they are assigned in a similar type job?

A I think it would be in a similar type.

Q Do any of the women assigned to Holman have any contact or are in contact with the inmates?

A No, I would say not.

Q Now at G. K. Fountain, the female Correctional Counselors that are assigned there, what particular duties do they perform within the institutions?

A Related duties as I have stated for Holman, work in the cubical that controls gates on the hall, in the front, not the front gate but the gates on the hall.

Q And here, again, like their contemporaries at Holman, they are not in contact with inmates?

A No.

Q Is the same thing true for Draper, that the women utilized as Correctional Counselors there have no contact with inmates?

A We have two that work in the mail room there at Draper, but this is inside the protected area.

Q So, none of the female Correctional Counselors are involved in dormitory patrol?

A Oh, no.

Q Or strip searches?

A Not at the institutions you have mentioned here.

Q They are all male institutions; they do this kind of thing at Tutwiler and they also, none of them are involved in latrine inspection?

[Dep pp. 22, 23]

A We have some at the Frank Lee Youth Center, and also at Pre-Release — Draper pre-release, that are involved in head counts.

Q The Correctional Counselors at Draper pre-release are involved in head counts?

A And also at the Frank Lee Youth Center. We have one that is assigned to a tower at Kilby.

Q What does she do at the tower?

A She blows them off the fence when they try to get on or get on them.

Q By "blows them off the fence" what do you mean?

A Well, with a gun.

Q So, she is —

A (Interrupting) She is a shooter. I might add that she passed the firing test and indicated that she would shoot one of them if he was caught escaping.

Q The women at the work release centers, pardon me, Correctional Counselor — Females at the work release centers, they are also involved, except the ones you described, are involved in head counts; the other ones don't have any contact with inmates, either?

A Well, they may have — they might be required on an isolated occasion to transport one in the company of a male employee, now to a doctor or an appointment, and this is after the work release.

Q (Interrupting) Have you had —

A (Continuing) — also, it would, might apply to Frank Lee Youth Center.

Q Now, have you ever had any problems with this kind of assignment with the Correctional Counselor — Females?

A What kind of assignment?

Q Allowing them in the company of another officer to take prisoners to doctors?

A Any physical problems between inmate and Counse-

lor in a setting like that?

Q Yes.

A No, because of the other male officer being along.

Q Is it your testimony, thus far there are no female Correctional Counselors employed in contact positions within the all-male institutions; it that correct?

A Right.

Q Why have you chosen to limit this assignment to these kinds of non-contact positions?

A Because there is a basic difference in the — between a female and a male, which renders her less capable of physically subduing or protecting herself or subduing an inmate, should the occasion arise, and also part of that would be the — her mere physical presence, in my opinion, and other people's opinion, would incite trouble and there is a sexual connotation which should go without saying. She is a sex object. And you have inmates who are deprived of sexual outlets, hetero-sexual outlet, and should be obvious. It is to me.

Q The physically subduing an inmate, that was the first reason you cited for not employing Correctional Counselors — pardon me, not employing female Correctional Counselors in contact positions —

A (Interrupting) No response.

Q (Continuing) — outside of your own opinions about the physical requirements that Correctional Officers subdue inmates on occasion, have you used any — do you have anything else that forms a basis for your opinion, other than your experience here?

A Well, I just gave a little bit of my philosophy that would form my opinion, but as I have already previously stated, they are required to control inmates and to supervise them, and to give periodic person searches and this incites an inmate. You have got philosophies, built-in philosophies

that are germane to certain parts of the country, and particularly to the South, as to attitudes of male vs. female. And this is part of the make-up, the reason.

Q Are you aware of any studies that show that the presence of female Correctional Officers has an opposite effect on inmates and tends to calm them rather than incite them?

A I am familiar with some of this, and I have had some personal experience, too, at the Youth Center, being Director there.

Q What is this personal experience you relate to?

A To expand, before I get into that, I don't necessarily buy this concept that females' presence will promote desired behavior. I don't buy that.

Q You were talking about an experience at Frank Lee; would you go on?

A Yes, we had, when I was Director there, we had females, as I have mentioned, in a Counselor type setting. We had stewardesses, female stewardesses and they weren't required to do any head count. They were not secured and non-security. We had stenographer and this sort of thing. And, we, because of the attraction, the opposite sex attraction of these females being present there with this male population, we were always constantly having to guard, be guarded to provide male security for these female employees. The inmates would try to go in the bathroom when they were in the ladies' rest room, designated ladies' rest room. We had caught them in the attic boring holes down in the female rest room, all sorts of this type of actions.

Q Did you ever have any incidents of physical assault on the female personnel?

A No, because we did, not that I can readily recall because we did have this safeguard, recognized the potential and had people studying this all the time, watching it, watch-

ing for it, had your information from other inmates, and we were aware of it, cognizant of it.

Q So, this experience at Frank Lee was one of the inputs into your opinion about the use of Correctional Counselor — females?

A No, it is part of that, and it also is in answer to your question about the studies.

Q Again, back to this particular, one of the first reason that you cited, this physically subduing inmates, can you tell me in a day-to-day basis how many times a Correctional Counselor is required to physically subdue an inmate?

A How many times? I really don't — I couldn't say how many times. The need exists always to have this capability of subduing and does occur daily.

Q It does occur daily?

A Yes.

Q At every institution?

A At every major institution, male institution and female, for that matter.

Q The present population of —

A (Interrupting) When I say "subduing", I don't necessarily mean lay his head open. I mean apprehend him, get him under control, arrest him.

Q And this is one of the things that you don't feel that women can do, is put inmates under control and arrest them, things like that?

A They could not do it as well as a man could do it, because of the physical difference, the strength involved.

Q So, you think that physical strength is an extremely important part of the Correctional Officer?

A It is an extremely desirable requirement because of the need to retaliate and it's potential.

Q How many times in a given day does the Correctional Counselor, be he male or female, how many times during the

day are they required to do something that requires physical strength?

A He could be required daily. He should be prepared to be required at any time.

Q How many times, though, are they actually required to be or actually required to use physical force to subdue an inmate?

A This is hypothetical, but you have got to go on the premise that he has got to do it any time, how many times, he has got to do it as many times as it has confronted him.

Q Now, you presently have a method by which Correctional Counselors are employed, is that correct?

A Yes.

Q Is there anywhere in the employment or screening process where you test the physical strength of the people that you hire as Correctional Counselors?

A This is based on physical condition and physical requirements, minimum requirement.

Q And by minimum requirement, you are speaking about the 5'2" — 120 lbs. requirement, is that correct?

A Well, I am saying that if you have the choice between a person who was of a bigger stature and everything else being equal, I would take the bigger one in this type of work.

Q What have you studied that indicates to you that bigger people are necessarily stronger?

A Well, I say, obviously if you have a person, just for illustration purposes here, you have a person who is heavier and he has the same type training as a person who is lighter, obviously he has more strength.

Q But by obviously, I am not sure that is quite so obvious, is it?

A Well, I would think so, everything else being equal. In other words, I am not saying that a person that is skilled in judo, you know, this can compensate for a lot of weight

in the person who doesn't have the skill. I am saying that a 200 lb. man in top physical condition is stronger than a 100-120 lb. man in top physical condition.

Q Do you imply by your answer that all of the Correctional Officers in the Alabama system are in top physical condition?

A No, I don't imply that. I said if I had the choice, the latitude of choosing between a person who was larger, with everything else, all the physical characteristics being equal, I would take the larger person.

Q Outside of the fact that you test the height and weight, what other physical characteristics do you test before people are employed as Correcional Counselors?

A They undergo a physical examination. They have to meet certain standards.

Q And if these people pass those physical standards, then they can be employed as Correctional Counselors?

A From a physical standpoint, yes sir.

Q But you don't at any time measure any strength at all, do you?

A Well, what I said, the weight and the comparison of weight, weight itself would imply strength.

Q In your mind?

A Well, I said everything else being equal. I'm not saying a blobby, obese 250 lb. man was stronger than a 160 lb. man in good physical condition.

Q Well, let's talk about 5'2" - 120 lbs. requirement. Can you describe anything to me that somebody that is 5'2" - 120 lbs. can do that somebody that is 5'2" 115 lbs. can't do?

A We are getting kind of close right there. That is a matter of 5 lbs. We have minimum standards and we have cut-offs.

Q So, back again to this whole physical thing, you do not test the strength, even though you think strength is an

important part and you base your comparison of strength on height and weight.

A This is part of it.

Q What is the other part?

A His physical condition, the condition of the man that is obese, or he would not be in physical condition.

Q How do you test physical condition prior to employment?

A By physical examination and weight, height.

Q But you don't have people run or jump or lift anything, do you?

A Not unless it is incurred in some exercise for testing heartbeat or what-not, like a treadmill, which I doubt we employ.

Q So, outside of the physical examination, you neither test for strength nor test for physical condition.

A I don't think we have any endurance test.

Q Now, how do you know that the people you presently employ as Correctional Counselors have the capability to subdue inmates in situations as you describe?

A I am saying they have capability more than a female would have.

Q You presently employ some male Correctional Officers that are not very tall and not very heavy, do you not?

A But they are in physical condition and they do meet minimum standards.

Q So long as somebody meets the minimum standards then, in your mind, that is all the strength requirement that you need?

A Under the law, yes, um hum.

Q Well, if you think strength is such an important part of the Correctional Counselor's job, and you think it is related directly to height and weight, why haven't you requested that the standards for the position of Correctional

Counselors be higher?

A Well, in the beginning, we were only allowed through Personnel to have one register. We could not have specified, distinct registers for male and female, so we had to lower the requirements in order to attract females, which we were required to hire. This is the reason for lowering the standard.

Q So, if you had your way, you would have a higher height and weight standard for Correctional people?

A I would have to study that; I probably would.

Q Do you presently employ males who are, say 5'2" - 120 lbs?

A I think that if a male came in and fit the minimum requirements, we would hire him, everything else being equal. I don't know of any offhand that would fit that.

MR. NEWMAN: Excuse me, let him finish his answers.

A I say I don't know of any offhand that would fit that particular 5'2" - 120 lb. category.

Q Now, now this male that you hire at 5'2" - 120 lbs., you would assign him to contact positions with inmates, is that correct?

A He would be required to fulfill any duty that any other Security personnel is required to do.

Q But yet a woman who you hire at 5'7" - 175 lbs. would not have those same positions, is that correct?

A That is right.

Q And why the differential? Do you think that a man that is 5'2" 120 lbs. is better suited to do the job than a woman who is taller?

A You have a psychological, built-in distinction between the way an inmate, a male inmate, perceives a female vs. a male.

Q What do you base this perception on, this perception you have about inmates' feelings toward females?

A By associating with them through this 19 years of

being exposed and knowing how they react, historically, toward women, and how they view them psychologically in their psyche.

Q Have you ever —

A (continuing) — plus personal experience involving assaults on females as recently as last week at Kilby.

Q Have you ever attempted to undertake any psychological studies which would support your opinion about the feelings of the inmates?

A I think there are some in existence now.

Q Do you know any of them offhand?

A Not offhand, but I have read, I am sure there are some studies in existence, some studies that would bear this out in existence.

Q Now you just referenced an assault on a Correctional personnel. Does the Board of Corrections keep records of of assaults on Correctional personnel?

A Yes.

Q As a matter of course?

A All assaults.

Q Where are those records kept?

A They would be kept, I feel sure, at the institution of origin and also at our Investigation and Inspection Division, plus now they are being, as a result of the Pugh case, being forwarded to the District Attorney in the area.

Q Do you, as a matter of course, consult these assault reports?

A I have these reports, in addition to those that are given to a Deputy Commissioner and any that involve an assault of an Officer, I would have access to. I don't have time for any of the rest of them.

Q In the past three years, can you give me a rough estimate of how many assaults on guards have occurred in the Alabama adult system? I am speaking, pardon me, of

assaults on guards by male inmates.

A I have had two killed within the last three years.

Q How about assaults? Do you have any idea of how many guards have been assaulted in the past three years?

A Starting with that two, let's see, I would say probably, in three years, probably 40, depending on your definition of "assault".

Q Well, do you have a definition of "assault" that you base this 40 figure on?

A Yes, I am including simple assault to murder.

Q Okay. Now, the two guards that were killed, I am familiar with Mr. Barrow who was killed during the Holman outbreak — the Fountain outbreak, pardon me, in 1974; who was the other Correctional officer?

A Captain Luke F-A-I-L-S at Holman.

Q When was Captain Fails killed?

A He was killed I think in '74, around July of 1974.

Q And could you describe the situation that led to his death for me briefly? Do you know it?

A Well, yes, he was attacked by an inmate with a knife.

Q And he was killed during that attack by the inmate?

A Yes.

Q Where was he attacked?

A He was attacked in a corridor outside some cells while escorting the inmate to a bath.

Q How many Correctional officers have been killed since the Alabama Adult Correctional System has been in existence; do you have any idea?

A I think there have been three, three killed to my knowledge. There could be more, during my tenure.

Q During you tenure?

A Yes.

Q That is since you have been employed there?

A Yes.

Q That started when, in 1956?

A 1957.

Q Have these 40 assaults on guards, do you have any idea of how many of them involved actual hand-to-hand combat between the guard and the inmate?

A I would say all of them.

Q Okay. Do you have any figure as to how many man hours you have lost because of assaults on Correctional officers?

A In what regard, now?

Q As injuries arising out of these assaults, how many man hours have you lost on the job?

A From the individual itself, of course you can't count those that were killed. I would just have to hazard that. I don't have that readily available. So, I know one that took several months to recuperate; anywhere from a couple of days to several months.

Q Are there are some assaults that no man hours are lost on?

A I would say no. You have got to treat any type of wound, and when I — usually there was a wound involved, even in the simple assault.

Q Would you characterize the present atmosphere in the Adult Correctional System as being dangerous to the guards?

A Yes.

Q Of itself?

A Yes.

Q How do you think this particular atmosphere is going to be changed when you implement a more effective classification system?

A Well, it is going to be changed by attrition because of the Court Order that we have, irregardless of classifica-

tion, that would contribute to it. Obviously, when you have a designed capacity at Fountain, for instance, for 632 inmates and you have over 1,000 there, and you get down to 632, you are going to have a higher officer-inmate ratio of supervision. So, then you are going to have a lot of tension that will be eliminated through this attrition of inmates and coupled with this would be having a suitable area to designate types of inmates which will add to control, take your — along with this we will have new facilities and this will eliminate the congestion and we will be able to have the capability of segregating types, first offenders from hard core type, assaultive types into single cells, and you would be able to designate, or be selective.

Q So, the danger to the guard would be significantly reduced when these new programs are implemented?

A Yes. The danger will be considerably reduced. Along with this, I think I failed to state we will be hiring under Court Order approximately 80% more personnel in Corrections.

Q That will also aid in the over-all situation?

A Of course it will not eliminate it.

Q How many disturbances have occurred, by disturbance I mean major disturbance, in the Alabama Adult Correctional System within the past three years?

A What are you defining as major disturbance?

Q I am speaking about, as a model let's use the outbreak in Atmore in '74, the disturbance at Kilby last summer, that type of thing. How many of those —

A (Interrupting) What outbreak in '74 now? We've had so many; I'm not being facetious.

Q At Atmore when Mr. Barrow was killed.

A Re-state your question, I have lost it.

Q Let's see if we can get around where we can discuss

this so we both understand what we are talking about. You stated that there were outbreaks all the time at Fountain.

A Who did?

Q You did, I think, when I mentioned there was one in '74, you said —

A (Interrupting) I didn't say at Fountain. I said outbreaks, system-wide. I am trying to define what you want.

Q What do you mean by "outbreak"; let's start there?

A I think you should state that.

Q Well, I meant a major prison disturbance that requires, let's say, outside assistance.

A Okay, now you have got it down to where it is simplified a little bit. In how many, in what duration?

Q In the past three years.

A Okay. I would say five or six occasions requiring outside assistance.

Q What are the particular Correctional people on duty at the institutions when these outbreaks occur, what do they do as a result of the outbreak? What kind of actions do they personally take to stop the outbreak?

A Well, all personnel are called in, irregardless of shifts, all available personnel are on stand-by. They are constantly on stand-by if they are under our employ in Security. So, they are called in first of all. All outside work would cease. You would secure these prisoners and then you bring in all available force.

Q During these —

A (Interrupting) You organize these according to the abilities of the Correctional personnel, etc.

Q How many guards —

A (Interrupting) If you can't cope with it yourself, then you seek outside aid, the Department of Public Safety, whatever, Sheriffs, Police, Criminal Justice.

Q How many guards were injured during these disturbances; do you have any idea?

A During these five or six?

Q Right.

A Let me see, about 15.

Q Okay. And one was killed, right?

A No, three.

Q Three? Now, outside of Mr. Barrow and Captain Fails, who was the third one?

A I am sorry, I am going back further than three years. I am going back there in —

Q (Interrupting) But two were killed in the past three years?

A Two killed.

Q From the standpoint of good prison administration, would you recommend that a guard by himself try to quell one of these outbreaks?

A No, I would not recommend that inasmuch as you could avoid it.

Q So, it would be your recommended policy when one of these things occurs he call for assistance and not try to —

A (Interrupting) Inasmuch as he has that latitude and that option.

Q Inasmuch as he has the latitude, sure. In your opinion, what qualities should a good Correctional Counselor possess?

A You are talking about Security?

Q Security classification, be he male or female.

A Well, he should be certainly of normal intelligence, no less than normal intelligence. He should be in good physical condition. He should be desirably — have a good physical build, height and weight, well proportioned. He should have a good common sense, judgment, a sense of humor would help.

Q Now, both men and women can possess these qualities, right?

A Yes, they can possess them separately.

Q How important do you think education is to a Correctional Counselor in the performance of his duty?

A I left that out. I would put this as another requirement. They have certainly a minimum of high school education.

Q That is currently your minimum standard, right?

A Yes.

Q How do you feel about education, do you feel it is good for a Correctional Counselor having more education than the minimum standards?

A I am in favor of higher education. It would follow — I think it would be good, you know, education per se, is good.

Q A degree in a field related to Corrections would be a good attribute?

A Yes.

Q The good qualities that you have described, which ones of these do you think are most applicable to these dangerous situations that you say occur in the prison system? Are we talking again primarily about the strength?

A I don't think you can isolate them. You don't — you can't isolate any one of these desirable characteristics.

Q I think I may have asked you this question before, but I want to test the answer again. How many situations on a daily basis does the Correctional Counselor get into that involves physical strength? I think your answer was that you don't know but that it is important that he be ready or have the capability to do it; is that right?

A I say these confrontations occur daily in all institutions and he should have the over-all capability of coping with it.

Q I would like to call your attention to Administrative

Regulation No. 204 which is issued over your signature, and I assume you are familiar with it.

A As relates to what?

Q As relates to selective certification for Correctional Counselor positions.

A Correct.

MR. CARROLL: And I'm going to mark this Plaintiffs' Exhibit A.

(At this time the document is marked as "Plf's A tst Mr. Locke 3/3/76 dgj Reporter"; said Exhibit accompanies transcript as made a part thereof on Page 48 A)

Q Is there an extra copy?

MR. NEWMAN: Mr. Locke has a copy.

Q Do you have a copy before you, Mr. Locke?

A I'm glad I don't have to recall this verbatim.

Q What was your comment?

A I said I was glad I don't have to recall this verbatim.

Q Even though the stated purpose is something, why did you pass this Administrative Regulation, or enact it, or whatever phrase you care to use?

MR. NEWMAN: Would you repeat the question?

Q Let me re-phrase it a little bit different way. How about giving me the benefit of your own opinion as to why you implemented this particular regulation?

MR. NEWMAN: Do you mean the necessity for implementing?

Plaintiff's Exhibit A test. Mr. Locke

EXHIBIT II

STATE OF ALABAMA

BOARD OF CORRECTIONS

February 13, 1976

ADMINISTRATIVE REGULATION

Number 204

Selective Certification

Correctional Counselor I Positions

I. GENERAL

1. The purpose of this regulation is to establish policy and procedure for identifying and designating institutional Correctional Counselor I positions which require selective certification for appointment of either male or female employees from State Personnel Department registers.

2. Appointment of employees for Correctional Counselor I positions are initially made from the Correctional Counselor Trainee register. They remain in a Trainee status for six months, at the end of which time they are promoted to Correctional Counselor I if they have satisfactory completed all phases of their training.

3. The policies and procedures established by this regulation have been coordinated with the Director of the State Personnel Department.

II. POLICY

4. All Correctional Counselor I positions will be evaluated to identify and designate those which require selective certification for appointment of either a male or female employee. Such positions must fall within a bona fide occupational qualification stated in Title 45-2000C of the United States Code as interpreted by the General Council of the Equal Employment Opportunity Commission's letter dated January 13, 1976, attached as Annex A.

5. Selective certification from the Correctional Coun-

selor Trainee register will be requested of the State Personnel Department whenever a position is being filled which has been designated for either a male or female employee only.

6. The Commissioner has final authority to approve the designation of an institutional Correctional Counselor I position which requires selective certification.

7. The Associate Commissioner for Administration is responsible for requesting all Correctional Counselor Trainee registers from the State Personnel Department.

III. PROCEDURE

8. Institutional Wardens and Directors will identify each institutional Correctional Counselor I position which they feel requires selective certification and will request that it be so designated in writing to the Associate Commissioner for Administration for his review, evaluation, and submission to the Commissioner for final decision.

9. The request will contain the exact duties and responsibilities of the position and will utilize and identify the following criteria to establish that selective certification is necessary:

A. That the presence of the opposite sex would cause disruption of the orderly running and security of the institution.

B. That the position would require contact with the inmates of the opposite sex without the presence of others.

C. That the position would require patroling dormitories, restrooms, or showers while in use, frequently, during the day or night.

D. That the position would require search of inmates of the opposite sex on a regular basis.

E. That the position would require that the Correctional Counselor Trainee not be armed with a firearm.

10. All institutional Correctional Counselor I positions which are not approved for selective certification will be filled

from Correctional Counselor Trainee registers without regard to sex.

IV. APPLICATION

11. The policies and procedures established by this regulation do not affect current appointments in Correctional Counselor classes nor does it affect the power of the Commissioner to hire or discharge any emplyee.

V. REFERENCES

12. Title 45-2000C, United States Code.

13. Letter from the General Council of the Equal Employment Opportunity Commission.

J. C. Locke, Jr.
Commissioner

Annex A — (Same as No. 13)

MR. CARROLL: I think the question is clear.

A Let me go over this.

(Witness reviews document)

A Well, this was set up in an effort to employ the "types" — the Correctional Counselor personnel that we feel can get the job done, the required job task done in our major institutions.

Q Is it an adjunct to this particular Order that females will not be used in contact positions with inmates?

A Well, I thought that it was clear from the outset that me, my particular policy, and with the support of the Board, five-member Board for whom I work, that we do not intend to employ females to work in contact positions in all-male institutions.

Q And this selective certification procedure is designed to accomplish that end?

A It is designed to get the type of personnel we feel can adequately perform as we require.

Q Which in your opinion is male in male institutions?

A Except in certain categories.

Q What do you mean by "except in certain categories"?

A In categories such as where they do not have to have physical contact, such as a tower; if they are qualified to shoot, as I have mentioned, shakedown of females, this sort of thing in central control areas where they are afforded protection.

Q Now, in Part 3, Procedure, Paragraph 8 —

A (Interrupting) I would like to expand on that if I can, just voluntarily.

Q Sure.

A This whole concept of the counselor is somewhat of a misnomer, and it is misleading from the announcement, from the State Personnel as to the duties of the employee. And, this is really superimposed on, that they are No. 1, first and forthwith a Correctional Officer, capable of performing all the duties that are required of a Security Officer. Then they become the Counselor type and it is going to be my direction that in the near future that we adopt this, and that the Counselor-trainee, whatever the position, he will have to become familiar with all of the duties of a Security Officer, whatever is required of him before he becomes a Counselor.

Q So —

A (Continuing) In other words, we have got the cart before the horse, so to speak.

Q So that in your opinion, anyway, and which you recommend to the Board is that a Correctional Counselor be first a Security Officer and secondly Counselor?

A Right, be familiar with all of the regions of the prison and the requirements and job specifications and duties.

Q While we are talking about Correctional Counselors right now, if a female is at the top of the Correctional Counselor register and a position comes open that has been certified, a male only position under Administrative Regulation

204, then the first male on the list will get that particular position, is that correct?

A Well, you have two separate lists, and you would call for a female register to fill these positions that are designated for female, and you would have a male, separate one, and you would have, according to the laws of the Personnel Board, you would have the selectivity of the first three.

Q How many positions have been identified by the Wardens and Directors of the institutions thus far as male only positions?

A This hasn't been finalized, and my administrative assistant is handling this until it is, and then I'm going to look at it and present it to the Board.

Q Then, again, as far as you are concerned, no positions will be certified for females that involve contact positions with inmates?

A This is right. In our all male institutions, you know.

Q In your all male institutions?

A Yes.

Q So the number of female jobs available in all male institutions will be limited to non-contact positions?

A Yes.

Q I would like to go with you, if I could, to Paragraph 9, which says, "The request will contain the exact duties and responsibilities of the position and will utilize and identify the following criteria" — who developed this particular set of criteria that is found in this Administrative Regulation?

A Well, it is collective development on the part of my staff and myself, with my concurrence and assistance.

Q Paragraph 9A, says, that one of the criteria is the presence of the opposite sex would cause disruption of the orderly running and security of the institution. Now, this is in line with your previous testimony that the presence of females in contact with all male inmates causes this dis-

ruption, right?

A Right.

Q But you have never had any experience with females in contact positions with males, is that right?

A No. I have said that we have had females, we have them in a security function now at the Frank Lee Youth Center, which requires them to be in contact.

Q But that is not one of the presence of the opposite sex that would cause disruption?

A Yes — no, it causes disruption. Could I recite, give you an example?

Q Sure.

A All right. Recently, we had a female Correctional Counselor doing a head count at the Frank Lee Center. She went into a room being used duly for a classroom and T.V. The lights were low. She went in there to take a head count, just the bodies in the room. When she got ready to leave and as she was walking out, somebody reached up and pinched her on the fanny. If she had not been in that situation, this would not have occurred.

Q And what is the Correctional Counselor's name?

A I don't have it; it can be given to you.

Q Do you have an incident report, or something that was filed?

A I am sure Mr. Gilmore can give you that.

Q He is the Warden at Fountain?

A He is the Director — we call them Directors of the Youth Center.

Q Do you have any idea on what date that occurred, approximately?

A I would say approximately three weeks ago, in the month of February.

Q So, that position that she presently is holding out there at Frank Lee Youth Center, it would be your recom-

mendation that be certified an all male position?

A Yes, sir.

Q Because of the incident that happened?

A Not just that incident, because of the potential of more serious incidents, and because of her being required to be alone in the presence of males.

Q Are you aware of any systems that utilize female personnel in contact positions with inmates?

A Exclusively?

Q No, not exclusively, in conjunction with males. I speak about female Correctional people utilized as Correctional officers in all male institutions and performing the same functions as their male counterparts.

A I am aware that females are hired in certain positions. I'm not aware of their specific duties, how they independently carry them out.

Q 9B, "that the position would require contact with the inmates of the opposite sex without the presence of others." That is just a statement of your policy that females are not to be hired in contact positions with male inmates; is that correct?

A Yes, right. This was a justification for separating them.

(At this time a brief recess was taken, after which the deposition resumed as follows)

Q (Continued by Mr. Carroll) And the 9C, "that the position would require patrolling dormitories, restrooms, or showers while in use, frequently, during the day or night". This is another one of the criteria that is used to establish the male only positions?

A Right.

Q What relevant factors are included in that particular criteria that you consider important?

A I consider invasion of the privacy of the inmate, as

well as the female Correctional Counselor, because of the situation that could, such as relieving yourself, the physical necessity for being exposed.

Q And that right of privacy is not violated by the entry of guards being males?

A Not to the degree of the entry of the opposite sex and it also invades her privacy.

Q In your earlier testimony, how many times during the day does the male Correctional Counselor go into the restrooms?

A Would you re-phrase that as relates to previous testimony?

Q I think you testified once before that latrine searches occur usually once a day?

A No, I said latrine inspections.

Q Latrine inspections, I am sorry, occurred once a day. How many times a day would the thing that you referred to in 9C, with regard to the restrooms, how many times during the day would that occur during the day.

A This would vary, according to the institution; but, a minimum of three times a day would be required for a head count, and —

Q (Interrupting) How many —

A (Continuing) But on more occasions than that —

Q (Interrupting) How many Correctional Officers would be involved on that?

A (Continuing) I hadn't completed my answer. You are required to make periodic searches of latrines for purposes other than just head counts. I would say a minimum of three times a day would be for head count purposes, at almost all institutions. At a minimum security institution, it would be required more frequently, as frequently as every two hours, and then you have other occasions for conducting searches of latrines.

Q When the —

A (Continuing) There would be numerous times, would be my answer.

Q When the patrolling of restrooms occurs, how many Correctional Officers are involved?

A Well, it could be as few as 1, 2, usually on just a routine.

Q Now, 9D, "that the position would require search of inmates of the opposite sex on a regular basis." Now, are the search of the inmates of the opposite sex, are those the strip searches we discussed earlier in the testimony that occur, speaking primarily of a systematic strip search that occur when personnel working outside the institution comes back, that and the periodic searches you testify occur as the need arises. Is that what you are talking about in 9D, strip searches?

A Yes, you are required to give, as I testified, four strip searches routinely when they come back into the institution and periodically, random strip searches for contraband and on other occasions when you have information that they have contraband. You have a strip search, and they have a shakedown, pat type search, without stripping.

Q Do you see any problem with females conducting pat down searches?

A I certainly do.

Q What problems do you see with that?

A Invading the privacy of the person being searched and also the female privacy in having to search the male.

Q What about a female police officer conducting a pat down search; do you think the same invasion of privacy occurred?

A If it was conducted in the manner we are required to conduct it, it would be.

Q What is the manner you are required?

A You would have to place your hands on the genital area of the male.

Q And if a female police officer, pursuant to her duties, conducted this same type search, you would agree that would be an invasion of privacy, is that correct?

A I certainly do.

Q Now, 9E, "that the position would require that the Correctional Counselor trainee not be armed with a firearm." This references again one of your earlier answers about using females in non-contact positions. There are no positions outside of the towers where Correctional Officers are armed with firearms, are there?

A No, only unless in an emergency situation.

Q On a day-to-day basis, the guards that actually work in the institutions do not carry firearms?

A Not within the institution. You know, an escort, supervisory —

Q (Interrupting) But certainly not within the confines of the institution?

A No.

Q 10 says, "all institutional Correctional Counselor I positions which are not approved for selective certification will be filled from Correctional Counselor trainee registers without regard to sex." I am a bit confused by 10, in light of your earlier testimony that there are separate registers for male and female Correctional Counselors. How does No. 10 work? Suppose —

A (Interrupting) Well, it works that some of these positions that a female can be assigned to, a male can also be assigned to that position.

Q Which register do you pick up off of, the male or the female; do you pick up off the top one of either register?

A Yes.

MR. NEWMAN: Just a second. —

(Mr. Newman confers with Mr. Locke)

MR. CARROLL: Let the record note that Mr. Newman is conferring with Mr. Locke, and also let the record note he is also conferring with Mr. Flack.

MR. NEWMAN: There is some confusion about how this, the practical workings of this selective certification will be handled over at the Personnel Department, which is not —

WITNESS (Interrupting) I think I have the proper understanding of it now.

Q Now, Mr. Locke, you would now answer, based on your consultation with Mr. Newman and Mr. Flack, is that correct?

A I would like to expand on my previous answer and perhaps correct it. My understanding is that there will be one main register, and we will request from this either for a selective register for male or female, but these will be from this one constant register, and so this would apply to that constant register.

Q So, there is a register that is maintained for both male and female, and there is also a register that is maintained for male.

A There is one register that would have male and female, and then we could select either for male or female and you would still be required from the male one to get one of the top three.

Q Now the male register is the register that is used for the selective certification?

A For an all male institution?

Q For an all male institution, a contact position.

A Right.

Q So that if the first five people on the general register, as a hypothetical matter, are females and the position becomes available that has been certified as an all male position, the highest three males on the register would be certified for

that position; is that correct?

A This is my understanding.

Q Skipping over the females that are ahead of the males?

A Uh-hum.

Q Thank you. Can you describe to me the actual mechanics that occurred which led to the promulgation of this Executive — pardon me, Administrative Regulation? Who did you meet with before promulgation?

A I met with — this didn't occur overnight. This is as a Board discussion, key personnel, it is an accumulative response from the staff, which I and the Board concur in.

Q How long a period of time are you talking about?

A Since October 1 —

Q (Interrupting) of 1975?

A Uh-hum.

Q Did you utilize any outside sources in implementation of this Order?

A In setting up this Administrative Regulation?

Q Right.

A I'm sure we did, various resources, sources.

Q What were they, do you recall?

A Well, not offhand.

Q Did you utilize any research from other expert witnesses in the field concerning the conclusions that you —

A (Interrupting) Yes.

Q Who were those?

A These would be the Chairman of our Board, Dr. Thomas Staton.

Q And what was his input into this particular Regulation?

A Well, he agreed basically that we should have separate registers and that females should not be assigned to contact positions in male institutions, and this was concurred in

by the total Board.

Q Did you call on any — or did you utilize any research studies produced by other Correctional systems or —

A (Interrupting) I am sure that this was utilized and knowledgeable to Dr. Staton, who is an expert in abnormal psychology, among other things, and is head of the Psychology Department at Huntingdon and is an author of many textbooks, and is a consultant by many agencies, in addition to being Chairman of our Board.

Q So, he was one of the prime movers behind the input in this particular program?

A I didn't say prime movers; he contributed to it.

Q Who else contributed to the program?

A Well, as I have stated previously, it was a collective contribution on the part of the staff, people who have been involved with this who see this as a problem.

Q Did you consult any staffs in other states?

A Well, I have discussed this with Dr. George Beto, who is a staff consultant to the Human Rights Committee, who has the obligation of implementing the Court Order in the Pugh case.

Q This was after or before the procedures were developed?

A Before.

Q And to your knowledge, you don't know how many selective certifications or how many positions have been certified for selective certifications so far?

A No, this is still being developed.

Q Who develops the job criteria for the position of Correctional Counselor?

A Well, we get input from our Wardens and various personnel, staff.

Q And you collaborate with the Board of Personnel in developing them?

A Yes, Departmental Personnel.

Q Is their a height and weight requirement on the position of Correctional Counselor?

A The trainee?

Q The minimum standard.

A Yes.

Q How was this particular height and weight requirement developed? What kind of input did the Board of Corrections have in the development of the height and weight?

A This was developed before my current tenure as Commissioner, but it is my understanding that this evolved through the necessity, because of the one register that existed, as I stated previously, to date, and we could not at that time get separate registers, and this was put in so that it could be a minimum requirement for females.

Q What relation do you think the height and weight of an individual has to his job performance as Correctional Counselor, the strength thing we have been talking about?

A Well, if — yes — we have been talking about the strength and there is a definite need for having strength, being strong enough to, in certain situations, to subdue, overcome, put under control, arrest individuals and —

Q (Interrupting) What is the — have you ever had any contact with the Alabama Peace Officers Standards and Training Commission about height and weight requirements for Correctional Counselor positions?

A Not me, no.

Q Has anybody from the Board to your knowledge?

A I am sure that they did in developing this.

Q Do you know any specific person?

A No.

Q Have you ever contemplated requesting a higher standard for Correctional Counselor positions?

A I think it would be desirable to get someone that

would be more physically capable.

Q And physically capable as directly related in your opinion anyway in the height and weight of the individual?

A Yes, I think it would be more desirable to have one that was larger, taller, more physically capable.

Q And this based on your personal opinion and your experience?

A Mine and others.

Q And who are the others that you are talking about, just the general others?

A The personnel that, in the Board of Corrections, that have daily contact with inmates and knows of the problem and the solution to it.

Q Are you aware of any systems that have no height and weight requirements?

A No, I am not.

Q Have you ever studied the possibility of dropping the height and weight requirement and replacing it with something related to strength, some test?

A I think there is a positive correlation between height and weight and strength.

Q Do you have anything other than your own personal opinion to support that?

A I am sure there is plenty of supportive documents around. I don't have any on my person.

Q You have never consulted any of these before you formed that opinion, though?

A I am sure that I have through the years, involved in my military experience, and I don't have any documents on me now.

Q What is your military experience, Mr. Locke?

A I have two years' military experience.

Q In what branch of the service?

A The Army.

Q And when was that experience?

A '52 and, let me see '53 to '55, Korean Conflict.

Q Is there any physical testing that occurs after a person is employed as a Correctional Counselor, is a physical testing required by the Board?

A I don't believe that there is a written requirement —

Q (Interrupting) Do you —

A (Continuing) — unless he becomes physically incapacitated, then he would have to undergo another physical to qualify.

Q Do you measure the weight of your personnel, after they are employed at any time?

A Well, yes, we have. It is two-fold. You have a minimum weight and maximum weight that, if they get beyond that, then they certainly are.

Q How often does this measurement of weight occur?

A I really can't answer that.

Q Are you familiar with the term "normalization"?

A I am not sure.

Q By not sure, you are not familiar with the term, or you think it means something?

A I am not sure that I am familiar with it.

Q Is it one of the goals of the Alabama Correctional System to normalize the atmosphere and environment of the inmate?

A Will you repeat that?

Q Is it one of the goals of the Alabama Adult Correctional System to normalize the atmosphere and environment of the inmate? By normalize, I mean, and you can add any definition that you want, I mean making his environment as normal as it possibly can be to the outside world.

A Within the duties that we have in implementing the Court Order, the sentence of the individual, yes.

Q However, the goal of normalization or making the

environment as normal as possible must give way when the considerations that you have raised about female Correctional people are interposed; in other words, it is nice to have a normal environment for the inmates, but you think that by putting females in that environment, the costs are too great. Is that my understanding? Let me re-phrase the question a little more. It would seem to me that having females in daily contact with inmates would be a great step toward normalization of the inmates' environment; but you don't see that as an important goal?

A I don't see that as a workable solution.

Q Mr. Locke, have you had any other than the incident that you described at the Frank Lee Youth Center; have you had any actual assaults on females working in the System, be they Correctional personnel or —

A (Interrupting) Yes.

Q Could you relate to me those other incidents, please; I am speaking about female personnel right now.

A Hum?

Q I am speaking about assaults on female personnel.

A Yes. We have had an employee that was assaulted — this is being investigated now, but assaulted by an inmate with a screwdriver, and —

Q (Interrupting) This is a female?

A Yes, but a male inmate, with intent to ravish.

Q Where did that occur?

A At Kilby.

Q Can you give an approximate date?

A It was last week.

Q Have you had any incidents —

A (Interrupting) Wait a minute, I am reflecting—we had—what was your question, you said "assault"?

Q Assault by a male inmate on female Correctional personnel.

A You said any personnel?

Q Female, any personnel.

A That is the only overt assault that I can—we have had threats of females being taken hostage that were bona-fide.

Q How many of those have you had?

A Oh, about seven.

Q Where did they—which institutions did they come from?

A Kilby, Fountain, Holman.

Q Over what kind of a period are we talking about, since you started utilizing females?

A Since '72. And then we had another overt act of hostage taking which occurred at Draper in 1972, when the Auburn students were touring the facility, two inmates seized a female hostage with a knife and there was a confrontation, and —

Q (Interrupting) Was she harmed?

A What is "harm"? I am sure she had a traumatic experience.

Q She wasn't physically harmed?

A Well, she had a butcher knife at her throat.

Q Do you have any recorded incidents of sexual assaults by male inmates on male guards?

A No.

MR. CARROLL: I have no further questions.

CROSS-EXAMINATION

BY MR. NEWMAN:

Q This incident where the women students from Auburn were taken hostage, do you know if there were male students also on that tour?

A Yes.

Q And it was the women that were taken hostage?

A Right. And the inmates were prosecuted in Court for assault and I believe kidnapping.

Q Would it be your opinion then that given the attitude of the typical male inmate that you testified to earlier, attitude in the Alabama Prison System, that if there was a male and a female Correctional Counselor, would it be your opinion that if an inmate was bent on taking a hostage, which of the two would he more likely attempt to take as a hostage?

A The female.

Q If a female is taken hostage, would this affect the handling of the situation, the hostage-type situation, in your opinion?

A Yes, it would.

Q In what respect?

A Well, to begin with, you could count on the female, maybe I should say you could not count on the female having proper physical strength to cope with the situation as a male would, so when you plan to, you overview the situation, you would have to minimize the amount of physical retaliation that she would be capable of rendering to the situation. You would have the problem of sexual assault to be coped with. And, then the general opinion of the public toward a woman, a mother image vs. the male.

Q All right, now that we are talking on the subject of sexual assaults, if women were hired in contact positions, given the proposition that a sexual assault could occur to a male or a female, would the incidents of sexual assault increase, that is if a woman was hired in the same capacity as a male in a contact position?

A I certainly think so, the potential, the desire, the innate desire for heterosexual relationship is intensified when you are denied this opportunity, and obviously, in my opinion, it would heighten the incident.

Q I want to get back to the description of the Alabama

Prison System. Would you describe the four major institutions, as far as their physical layout would be concerned?

A All right. This would be Fountain, Holman, Kilby and Draper.

Q Right.

A Start with Holman. This is our most secure institution from design. We have more separate lock-up capabilities at that facility, a total of 244, originally designed two-man cells, as compared with a 100 at Kilby. This was the institution when the death penalty was in use that contained the death cells, and the electric chair, and this is I think our most secure institution. We have some of the more custody, higher custody risk types at the institution. We don't do any outside work at Holman. They are confined within the walls, the fences. We have a population of about, presently of approximately 845, had a designed capacity of around 500.

Q Excuse me, to simplify matters, what I am talking about is the layout as compared to whether it is predominantly a dormitory type situation or a single cell type situation.

A I was trying to give you the total picture of it. Well, you have a dormitory layout, basically at Fountain. It is an old type structure. You have the lock-up capability of 64 at that institution.

Holman is also dormitory, except you have a greater segregation type confinement, 244 two-man cells. Other than that you have the dormitory type.

At Kilby you have the dormitory for permanent cadre, and you have a dormitory for those awaiting classification, plus a lock-up capacity of 100 two-man cells.

At Draper you have exclusive dormitory type facility, with no separate lock-up capacity.

Q In your opinion would the type of institution dictate the type of security necessary for a particular institution?

A Yes.

Q Would a dormitory type situation necessitate a greater amount or lesser amount of security?

A You would have to provide more security.

Q Would this security be provided, if the Alabama Prison System was required to hire females in contact positions?

A I think it would compound the problem. The answer would be no. I think it would compound the problems of providing control. You not only would have to provide control to secure the inmates, but you would have to provide security protection for the females.

Q And from your previous testimony, the Alabama Prison System is a predominantly dormitory type situation?

A This is correct.

Q Now, I believe on Direct or Cross, whichever one Mr. Carroll —

THE REPORTER (Interrupting): I call it direct.

Q All right, we will call it Direct then, Mr. Carroll questioned you on, I believe he questioned you as to assaults on Correctional Officers. Now, in the Alabama Prison System are there assaults also on inmates by other inmates?

A Absolutely.

Q Are there situations arising where inmates, one inmate antagonizes another inmate, and it gets to a quarrelsome situation?

A Yes.

Q How important would physical strength, the physical strength of a Correctional Officer be in coping with this situation?

A It is of utmost importance in bringing the situation of this type under control. You have to have physical strength to retaliate resistance.

Q In what respect?

A Well, to simply from separating a pair that happened

to be tied up on the floor there, and in a situation like this, it is voltile and you have to bring it under control as immediately as possible to keep it from spreading. So, you would physically have to put your hands on them and pull them up by the nape of their necks, or put a hammerlock on them, or get a weapon, and if that didn't work, and physically subdue them by beating them over the head.

Q All right, given your —

A (Continuing) whatever action is necessary to bring it under control.

Q Given your testimony as to the attitude of the typical inmate in the Alabama prison system, would the desired results in breaking up inmate confrontations with other inmates be more or less likely to be successful if it was a woman or a man that was the Correctional Officer, or Correctional Counselor?

A I think it would be more successful if it was a male that was intervening to break up the fracas.

Q And do you have an opinion as to why this should be?

A Yes, a definite opinion. One is based on pure physical strength required in subduing the male. Another is the mental attitude that the male has, his male ego vs. the female. You are challenging him when you have a female to subdue him, and this is going to make him assert himself and assert his masculinity. You have got his peers there, so, he has got to live with himself and live with the other people. He would be the laughingstock among the other inmates, males, if he were subdued and overcome against his desire by a female.

Q In other words, the action of the inmate that he would have taken in a situation like that would affect his status among the other inmates?

A Yes.

Q Let me ask you this, how important is height in a dormitory type situation? Would height be a factor in a

dormitory, predominantly dormitory type situation?

A Yes, I think it would be very pertinent to desire a person of a higher stature to be able to see further, over beds, over inmates, have better vision.

Q Are you familiar with the testimony of Robert Sarver in this case?

A Yes, I am fairly familiar with it.

Q There was testimony that some of the advantages, by Mr. Sarver, that one of the advantages in hiring females as Correctional Officers would be that the inmates' behavior would improve, as well as his general appearance or his attitude toward himself. Will you tend to agree or disagree with this?

A I would disagree that any such a modification of his behavior would over-ride the other ramifications of hiring the female in a contact situation. I do not think that it would be any over-all benefit and I want to qualify this by saying that the presence of a female in certain situation, such as the Youth Center, aside from a maximum security, hard core facility, may induce this type of better table manners, for instance, where you are eating in the same room, or may improve his general appearance, but, it would also create problems that would more than offset this because of the sex difference.

Q Do you base this on your practical experience at Frank Lee?

A Yes.

Q And, now Frank Lee Youth Center, is that a minimum security institution?

A It is totally minimum, with no fence, no bars.

Q And is there a certain criteria that the inmate must meet before he can go to Frank Lee?

A Yes. This is a selected type of person. He is a first offender, not over 23, not have a sentence of over 10 years.

He does not have a heinous type of offenses in his background.

Q Would you categorize the typical inmate at Frank Lee as being the, I believe you said in your Direct Testimony that they were the cream?

A Yes.

Q Of the Alabama Prison System?

A Exactly.

Q How would you categorize the success—well, not the success, let me re-phrase the question. In your opinion, would you categorize the use of female Correctional Officers at Frank Lee as a success or a failure?

A A failure.

Q One question that is pertinent. Are all of the inmates, adult inmates in the Alabama Prison System, convicted felons?

A Yes.

Q Do you have any idea as to the number—of these convicted felons, are there those that have been convicted of sex crimes?

A Yes.

Q Do you have any idea how many there are, or what percentage?

A I don't have the percentage, but I would say probably 20%.

Q And are these, is this 20% found in one prison or are they scattered throughout the prison system?

A Throughout the prison system.

Q Are they kept in lock-up type situations, or are they dormitory, or what I am getting at is can they be found anywhere in the Alabama prisons?

A They can be found anywhere in any dormitory situation. And this is due in part to the overcrowdedness and lack of facilities for any type of segregation, but historically

unless they are, by their record they have shown assaults since they have been incarcerated, they are not put into segregation.

Q Would the hiring of women in contact positions in the Alabama Prison System affect, in your opinion, affect the work of the male prison guards in any way?

A Yes, it would create more of a burden on the male Correctional Officer-Counselor. As I stated earlier, he would have the additional responsibility of providing security to the female in a contact situation. This could be demoralizing for him. He has got to, in the vernacular ride shotgun over this female counterpart that is in the institution. He has got to watch after her, keep her from getting assaulted. He can't depend on her in a — as he could a male in a situation requiring force. It just compounds the problem.

Q One final question, would the hiring of females in contact positions in the Alabama Prison System, that is in the male institutions, make security or the maintenance of security in the Alabama Prison System more difficult in your opinion?

A It would.

MR. NEWMAN: That is all.

[Dep 84 to 85]

REDIRECT EXAMINATION

BY MR. CARROLL:

Q Mr. Locke, Mr. Newman asked a series of questions that solicited your opinion on various hypothetical situations. I would like to inquire into that opinion just a little bit deeper. I think one of the questions he asked you was if a male and a female Correctional Counselor were both in a situation where they could be kidnapped, that the female Correctional Counselor would always be kidnapped; is that your testimony?

A No, I don't think that was the question. As I recall

[Dep 91]

it, he wanted to know which of the two would be the target as opposed to the other, and I said a female.

Q And your answer was female, and what is the basis for that particular opinion?

A Because, No. 1, she would be more defenseless from a physical standpoint.

Q What do you use as a basis for the opinion she would be more defenseless?

A Strength, which has permeated this whole conversation, a female —

Q (Interrupting) Per se —

A Continuing) — As opposed to a male is not as strong innately.

Q Regardless of how big —

A (Continuing) — From Adam and Eve, you know, and the inmates know this. I know it. If I am going to go down here into a riotous situation, I want a male with me. I don't want a female who I am going to have to protect from the inmates. And, there is another angle of sexual gratification I am talking about. They would prefer to have this female and then they could sexually assault her while they were waiting to escape, or whatever the original intent was.

Q Have you ever had a situation where a male and female Correctional Officer were in the same situation and the inmates kidnapped the female Correctional Officer?

A We have not had, other than at the Youth Center I already qualified, a female in this situation.

Q But she wasn't kidnapped?

A But this Auburn student was kidnapped.

Q She was not a trained Correctional Officer, was she?

A But this Correctional Counselor at the Youth Center was assaulted by an inmate.

Q But not kidnapped?

A But assaulted.

[Dep 91 to 93]

Q I believe, again, in answer to one of Mr. Newman's questions, you said in a hostage situation, if you utilized females as Correctional Officers, a female Correctional Officer hostage would be a liability, a different kind of liability than a male Correctional Officer hostage; is that accurate?

A This reiterates what I have just stated. She would not be capable of defending herself adequately as a male, and she would also —

Q (Interrupting) And that is —

A (Continuing)—subject to sexual assault and abuse.

Q And that is because of the fact she is a woman?

A She is a female.

Q Have you ever been employed by any other Correctional System other than the Alabama system?

A No. I have not.

Q Have you ever undertaken any studies of procedure in other systems?

A Repeat that, please.

Q Have you ever undertaken any studies of procedure in other Correctional systems?

A Oh, yes.

Q And what systems have you studied?

A Well, I am familiar with Florida's and Mississippi, and some of the Federal institutions.

Q Which Federal institutions, if you can name them?

A Tallahassee. I have knowledge of other institutions.

Q Have you ever consulted any other systems as to their utiliziation of females in Correctional Officer positions?

A Informally.

Q In response to Mr. Newman's questions, several times you indicated that hiring female Correctional Officers in contact positions in the Alabama System would be a burden on the male Correctional Officers; is that right?

A Right, that is correct.

[Dep 93 to 95]

Q And again, this is because of your personal belief that women are weak or don't possess the physical capability?

A I don't say are weak. I said, as compared with a male, they were less desirable to execute force to subdue a situation.

Q What about a woman that is 5'6", 140 lbs.; do you thinks she would be able to perform the job?

A Better than one that was 5'2" and 120.

Q How about a male 5'6", 140 lbs, would he be able to perform the job?

A Would he be able to perform a job?

Q Peform the job of Correctional Counselor.

A If—repeat that, please.

Q Would a male that is 5'6", 140 ibs., be able to perform the job of Correctional Counselor in an all male institution?

A If a male were 5'6", 140 lbs. —

Q Would he be able to perform the job of Correctional Counselor in an all male institution?

A Theretically, yes.

Q What do you men "theoretically"?

A Well, if he qualifies otherwise, yes.

Q But a female 5'6", 140 lbs., would not be able to perform all the duties?

A No.

Q What do you use as a basis for that opinion?

A The innate intention between a male and a female. The physical capabilities, the emotions that go into the pshychic make-up of a female vs. the psychic make-up of a male. The attitude of the rural type inmate we have vs. that of a woman. The superior feeling that a man has, historically, over that of a female.

Q Now, I believe in response to Mr. Newman's question about height, you said that height was important in patrolling a dormitory; is that correct?

[Dep 95 to 96]

A It is desirable. I believe he asked me if it was desirable to have a person in a dormitory that would be higher, have a height advantage.

Q How about someone who is 5'4", would he be able to patrol a dormitory, say at Kilby?

A It would be more desirable to have one that was 5'10".

Q But would the 5'4" be able to perform that duty if he was a male?

A Not as well as one who was higher or taller.

Q But you have hired people to patrol dormitories at Kilby that were 5'4" that were male, have you not?

A I don't know of any specifics.

Q Well, the Answers to your Interrogatories indicate you have.

A I don't have any specific person that would fit that, you know stipulation.

Q I will refer you to a Mr. Billy S. Shewmaker who was—who is presently a Correctional Counselor at Kilby, 5'4", 145 lbs. He is presently serving as a Correctional Counselor at Kirby?

A Yes.

Q And apparently is doing an adequate job since he is still listed as an employee?

A Yes.

Q But, again, it is your testimony that a woman of that same stature would not be able to do the job?

A Not as well as a male.

Q Your testimony to Mr. Newman was that Frank Lee was the cream of the system. Didn't you testify earlier, though, I am sure it is confusing, the work release centers are the cream of the system?

A Well, both of them are. The Youth Center is at the beginning stage, and the work release center is at the end of the confinement stage.

Q Again, in response to Mr. Newman's question, I think you stated that the utilization of women in Correctional Counselor positions at Frank Lee Youth Center was a failure; is that correct?

A That is correct.

Q Did you utilize women in contact positions at Frank Lee?

A Yes.

Q And the contact position was the head count position?

A The head count, the count in the latrine area, the shower area, the dormitory area.

Q How many women did you employ in Correctional Counselor positions at Frank Lee?

A I couldn't tell you how many. We have had several. We have had some that were not made permanent, some who resigned for various reasons. We have some employed now.

Q How long a period of time have female Correctional Counselors been employed at Frank Lee?

A I think since the adoption of minimum standards.

Q Which is?

A Goes back to the Fall of '73 or early '74.

Q What in your mind does an adequate description of the program's failure, what did the program not do or does not do that lets you label it a failure?

A Because it creates the explosive situation even at this facility which is one of our best. You have the best selection of those that go into it. It is an invasion of the privacy of the inmate. It is an embarrassment to the female employee. It is an embarrassment to the inmate. These inmates are in a dormitory at night and are locked in. They have a latrine at the front of the cell there; they have to expose themselves in relieving themselves to the female officer when she is required, as I previously stated, to make a minimum head count every two hours. This requires her go-

ing into a shower area where they could be naked. This is another infringement of their rights, in my opinion.

Q Were there any security problems because of the use of female Correctional Counselors?

A There is constantly a security problem of rape, of a hostage, the assault incident that I referred to the female officer being pinched on the buttocks.

Q Did you have any female Correctional Officers at Frank Lee raped?

A No, and I hope we don't. The potential is there.

Q You have never had any taken hostage either, though, is that correct?

A No.

Q And the one assault you described as the pinching of the buttocks, that occurred three weeks ago?

A This I am aware of. There could have meen more.

MR. CARROLL: I don't have any further questions.

RE-CROSS EXAMINATION

BY MR. NEWMAN:

Q I believe you testified earlier at Frank Lee, when you were there, the males would follow the females into the restrooms; is that correct?

A They would try to come in there on them. They would punch holes in the ceiling. The women would be aware that somebody was watching them. We could see the physical evidence of peeping. Yes, they would congregate because of the attraction of the opposite sex. We had to be constantly aware of this and alert to it, to prevent a hostage and a rape.

Q Did that also go into your opinion, the part of your opinion as to the success or failure of that program?

A Exactly.

Q I believe you testified earlier of the inmates' attitude toward women, the average, typical male inmate in the Ala-

bama Prison System attitude toward women.

A I thought I brought that out, yes.

Q Did this also -- did you also rely upon your knowledge of this attitude in formulating your answers to my direct questions?

A Yes.

MR. NEWMAN: That is all.

RE-DIRECT EXAMINATION

BY MR. CARROLL:

Q How do you determine the attitude of the average inmate in the Alabama System, Mr. Locke?

A Well, I've been involved almost 19 years in direct, one way or the other, supervision, face-to-face situations with inmates and done a lot of interviewing and done a lot of selecting when I was Director at the Youth Center. I had a chance to hear them express their attitude. I have had a chance and opportunity to observe them through this and —

Q (Interrupting) And that is what you used as the basis for this opinion?

A This is one basis of it.

Q And you indicate there is another basis of it?

A Well, I have the opinions of other people who are professionals in the field who I can correlate and discuss, and I think this is a genuine basis.

Q Who are these other people that you mentioned to me?

A I didn't mention anybody. You see, I have been in this a long time. There are multiple people I have come in contact with.

MR. CARROLL: I have no further questions.

MR. NEWMAN: I have no further questions.

FURTHER DEPONENT SAITH NOT.

MR. JAMES JACKSON

of lawful age, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CARROLL:

Q Mr. Jackson, will you state your name for the record, please?

A James Jackson.

Q And do you agree to waive your signature to this deposition?

A Yes, sir.

Q Would you tell me your present employment, please?

A I am the Executive Director of the Alabama Peace Officers Standards and Training Commission.

Q Are you also a member of that Commission?

A I was until my term expired about two years ago, something like that, a year and a half, something like that.

Q What did you do prior to assuming your duties as Executive Director of the Commission we are discussing?

A I was the Assistant Chief of Police at Jacksonville, Alabama.

Q And can you give me a brief background of your career in law enforcement?

A Yes, sir. I started out in 1952. I became a Deputy Sheriff, working in that capacity for some 10 or 12 years. I left there and went to the City of Anniston Police Department as a police officer and motor scout, and as an investigator.

Leaving there, going back to a year and half tenure with the Sheriff's Department, and from there then to Jacksonville State University as the Chief of Security in Campus Police or organized, I set up the Campus Police there at the University, now Jacksonville State University. Then I left

there and remained in the City of Jacksonville and became Assistant Chief of Police.

Q How long have you been employed as the Executive Director?

A Since December 1 of 1972.

Q Are you the only Executive Director that the Commission has ever had?

A Yes, sir, right, sir — well, no sir, I say, at this time Representative Walker Hobbie was the Acting Director, or, I believe in the law it specifies Executive Secretary, but everybody calls it, you know, grants and everything, say "Director"'. The law says Executive Secretary.

Q What are your duties as the Executive Director of the Alabama Peace Officers Standards and Training Commission?

A All right; the duties are administrative there at the office, which I only have two other employees working; plus the carrying out the requirements that are set forth by the Commission or their wishes; also then seeing that the regulations or compliance is being done. In other words, I don't investigate. I coordinate with the various hiring agencies in the cities to see that the law is being complied with, etc.

Q How many people are on the Alabama Peace Officers Standards and Training Commission?

A How many people are on the Commission?

Q Right.

A There are seven.

Q Who are they, please?

A The Chairman is Judge Walker Hobbie; Chief Ed Wright — I'm trying to take them in the towns — Sergeant E. H. Kentrell, Birmingham; Richard Hearn, Jasper; Chief A. E. Cooper, Demopolis; and former Sheriff Taylor Wilkins from Bay Minette.

Q Now, the Statute under which you operate, you have a copy of, which is Alabama Law, Regular Session, 1971, Act No. 1981?

A Yes.

Q Under that particular Act it says, "The meetings of the Commission shall be quarterly." How long has the Commission been meeting on a regular basis as required by the Statute?

A Besides the quarterly meetings that are set down, which also spells out in the Act that they can meet in special called meetings, and we have several special called meetings in the thing.

Q And you maintain minutes of all the meetings?

A Oh, yes sir, yes sir — yes, sir.

Q How long has the Commission actually been in operation?

A The last board member, or our first organizational meeting was in February of '72; I believe it was around February, either the 20th or 22nd. I would have to go back. I believe it was the 20th.

Q And it has functioned ever since that first organizational meeting?

A Yes, sir.

Q Under Section 6 of Act 1981, it says, "The Commission shall have the following functions and duties, together with all powers necessary or convenience to the performance thereof:

"6A: To study, obtain data, statistics and information, and make reports concerning the recruitment, selection and training of law enforcement officers in the State, to make recommendations for improvement in methods of recruitment, selection and training of law enforcement officers."

Have you made any such studies since the Commission

has been in existence? By you, I mean, has the Commission?

A Well, sir, may I come back and re-phrase —

Q (Interrupting) Yes, sir.

A (Continuing) For — which part are you speaking of? Are you talking about statistic-wise, or if we recommended any methods of selection, recruitment, etc?

Q Have you studied and obtained data and information?

A Yes, sir.

Q And what particular types of law enforcement agencies have you studied and obtained data and statistics and information about?

A Except five or eight of my members — but anyway, that we had obtained some data from all municipalities in all 67 Sheriffs' departments of the amount of hours worked, the wages — wages, hours, merit system if they had a merit system or not at that particular time.

Q Have you ever studied the State Trooper Force here in the State? Have you ever studied and obtained data and statistics about recruiting?

A None other than just the salary, what they received and hours worked and that they do have a merit system; that is all.

Q Has the Commission, pursuant to its powers under Section 6A ever made recommendations for improvement in the methods of recruiting, selection and training?

A No, sir.

Q Under Section 6B, "The Commission has the power to review from time to time the minimum standards hereinafter described for applicants for and appointees as law enforcement officers."

Has the Commission ever reviewed these minimum standards?

A On several occasions, yes sir.

Q Have you ever reviewed the minimum height and weight standard?

A Yes sir, they have reviewed the whole section.

Q On what particular occasions has the Department — pardon me, the Commission — reviewed the height and weight standards?

A I don't quite understand you, sir.

Q You indicated in response to my first question that on several occasions the Commission had reviewed the height and weight standards, and my next question was, "Can you be more specific as to on what occasions that review occurred?"

A Yes, sir. One of the trainees, or we call them the trainees in our rules and regulations, definition as a trainee in the Police Academy which requires them to receive the 240 hours. A female who did not meet the — I believe you said height and weight requirement?

Q Yes.

A Did not meet the —

Q (Interrupting) Now, for the record, the height and weight requirements under the Act are 5'2" — 120 lbs?

A 5'2" — that she did not meet the weight requirements and that they had asked a waiver or — which was spelled out in one of the Sections of the Law that we could waive this thing, and we did.

Q And that was for a woman to become a member of what? An officer for the —

A (Interrupting) For the City of Gadsden Police Department; and she is a graduate of — I have forgotten what section — at the Police Academy.

Q Is that waiver and the procedure leading up to it reflected in the minutes of the Commission?

A No, sir, this was done through an administrative

decision.

Q Who made the administrative decision?

A I did.

Q You did?

A Yes, sir.

Q How tall was the woman to whom you granted the waiver?

A Sir, without going back and pulling her application and looking at it, I do not know, no sir.

Q Does her application have the details concerning the waiver on file with you at the Commission?

A Yes, sir.

Q Do you recall the woman's name?

A No, sir, not right off hand. It would be no trouble to find it, however.

Q That was a waiver for the weight requirement?

A For the weight requirement, yes sir.

Q Which is 120, so she was below 120 lbs.?

A If my memory serves me correct here, I believe she weighed 118 lbs.; I believe that is what it was.

Q Do you conduct, other than these incidents of waiver, do you conduct any periodic review of the height and weight requirements; in other words, do you sit down at Commission meetings and discuss 5'2" — 120 lbs., whether it should be up or down?

A No, sir.

Q Have you ever discussed that particular requirement?

A No, sir.

Q How did you arrive at this 5'2" — 120 lbs. requirement?

A How did I?

Q Did the Commission arrive at 5'2" — 120 lbs. requirement?

A Sir, I was not — at the time this law was written, I don't know where they obtained, or whether it was copied from someone else, or what, I don't know.

Q Since that time, though, you have — by "You" again I mean the Alabama Peace Officers Standards and Training Commission, have you ever attempted to change that 5'2" — 120 lbs. statutory enactment; right?

A No, sir, as long as the County stays within their weight chart and stuff like this, we would count it, but I don't, really — okay — well — that is all right.

Q Under Section 6C, Powers of the Commission;

"The Commission has the powers to consider, hold public hearings on adopting and promulgate such standards relating to physical, mental and moral fitness of any applicant for or appointee as a law enforcement officer as do not lower the minimum standards."

Have you, again "you" being the Commission ever held any public hearings on these matters?

A Yes, sir.

Q How many times?

A Oh, gosh, I —

Q (Interrupting) I mean a lot of times?

A Yes, sir, yes sir, several times.

Q Have you ever had a public hearing on the height and weight requirements?

A Well, what would you consider — yes sir, I would say there has been a public hearing, yes sir —

Q (Interrupting) When did that —

A (Continuing) — Not on height and weight, not — because no one has been disqualified under the height and weight, no sir. So there is no one ever appeared before the Commission under the height and weight.

Q Have people appeared before the Commission who

did not meet the minimum standards?

A Yes, sir.

Q And in every instance a waiver was granted?

A No, sir, not in every instance, no sir.

Q Okay. We'll get to the waiver question in a minute.

A Okay.

Q Public hearings have never been held on the height and weight requirement to your knowledge?

A No, sir.

Q Under Section K of 6, "the Commission has the power to obtain the services and advice of experts in the field of law enforcement for the purposes of aiding the Commission in its studies, considerations, reports and recommendations, and the adoption of standards, rules and regulations."

In relation to the height and weight requirement, have you ever — again, has the Commission ever obtained the service and advice of experts in the field of law enforcement as to the pertinency of the height and weight requirements?

A No, sir.

Q Under Minimum Standards, Section 7D, "The Commission may for good cause shown permit variances from the physical qualifications prescribed in this Subsection D."

Would you outline for me, please, the procedure that you have implemented pursuant to Section 7D for the granting of a waiver?

A The hiring agency or an individual — if they have been rejected for some employment for the two sections, the height and weight, may either in writing — no formal forms are filled out, just submit to the Commission in writing for us to either waive it, and I, generally — I say I generally, I do issue an administrative decision back to the hiring agency which requests this.

Q What do you use as a basis for your own administrative decision as to whether to waive it in a particular case?

A Just the regular — I am trying to think — like in a doctor's office, your height and weight, according to your —

Q (Interrupting) Do you use a particular height and weight chart?

A No particular, no sir.

Q Well, what kind of chart do you use? Do you have one you refer to all the time?

A Well, I don't refer to the chart directly myself. I say as long as they meet, in my letter, in my administrative decision, they meet this requirement in fact.

Q When you say, "meet this requirement", how do you spell it out in your letter?

A Really, I don't know how I spell it out. I just tell them that this is what they can do.

Q I will give you a hypothetical and see if we can proceed from there.

A Okay.

Q Let's say somebody wanted to be employed by a law enforcement agency that is 5'2" and weighed 115 lbs., and they wrote you and said, "I am 5'2" and 115 lbs." and the minimum standards said 5'2" 120 lbs., what would you do in response to that letter?

A I would advise the hiring agency if, I guess you would call it the medical chart, if they prescribed and met this under the thing that I would give an administrative waiver.

Q So, if the medical chart said the optimum weight for somebody at 5'2" was 110 lbs., that is all you would be interested in, really?

A Re-phrase that again, now.

Q If the optimum weight — by optimum, I mean the most desirable weight for somebody that was 5'2", was 110 lbs., then you would probably grant them a waiver under those circumstances?

A If it was in the medical chart, yes sir.

Q And, again, this medical chart you are referring to, I am unclear as to exactly what it is. Well, let me pose the hypothetical a little further.

A I don't know whether it is called a medical chart. I am using this term myself.

Q I have a copy of an attachment 1 from Air Force Manual 160-1 dated 17 April 1974, which is the height and weight standard minimums. Now, I would like to show you a copy of it and see if this is what you are referring to, this type of chart.

A Similar chart, yes sir.

Q And we will attach this as Plaintiffs' Exhibit A to this deposition.

(At this time the attachment is marked "Plfs's A test Mr. Jackson 3/3/76 dgj reptr"; said Exhibit accompanies this transcript on Page 18 A and is made a part thereof)

Plaintiff's Exhibit A test Mr. Jackson

AFM 160—1[C8] Attachment 1 17 April 1974

WEIGHT TABLE

a. *MALES*

Height, inches	Minimum	Standard	Maximum					
			17-20	21-25	26-30	31-35	36-40	41 and over
60	100	122	146	150	153	157	160	164
61	102	124	149	153	155	159	163	166
62	103	126	151	155	158	161	165	169
63	104	128	155	158	160	164	168	171
64	105	131	159	160	164	168	171	175
65	106	135	163	165	169	173	176	180
66	107	139	166	170	174	178	181	185
67	111	143	171	175	179	183	186	190
68	115	147	176	180	184	188	191	195
69	119	151	181	185	189	193	196	200
70	123	155	186	190	194	198	201	205
71	127	159	191	195	199	203	206	210
72	131	164	196	201	205	209	213	216
73	135	169	201	208	211	215	219	223
74	139	174	206	214	218	221	225	229
75	143	179	211	220	224	228	231	235
76	147	184	216	226	230	234	238	241
77	151	189	221	232	236	240	244	248
78	153	194	226	239	242	246	250	254
79	157	199	231	245	248	252	256	259
80	161	204	236	251	254	258	262	265

NOTE: The weights as listed in the above chart are based on average body build. The maximum weight was calculated by adding two (15%) standard deviations. When lean body mass determination indicates that an individual's body fat is more than 32% of his lean body mass (NOT TOTAL BODY WEIGHT) the above tables DO NOT APPLY.

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b. *FEMALES*

Height, inches	Minimum	Ideal Between	Maximum			
			17-20	21-30	31-40	41 and over
58	87	90-103	115	116	118	120
59	89	92-106	118	119	121	123
60	92	95-109	121	123	125	127
61	95	98-112	125	126	128	130
62	97	101-115	128	129	131	133
63	100	104-118	131	132	135	137
64	103	107-121	134	136	138	140
65	106	110-124	138	139	141	143
66	108	113-127	141	142	145	147
67	111	115-130	144	146	148	150
68	114	119-133	147	149	152	154
69	117	121-136	151	152	155	157
70	119	124-139	154	156	158	160
71	122	127-142	157	159	162	164
72	125	130-145	160	162	165	167

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Q So, if the height and weight matched up on this particular chart, then you would probably grant a waiver?

A Yes, sir.

Q Let me ask you this. Have you got copies of all the waiver letters you have sent out since you have been the Executive Director of the Commission?

A Yes, sir.

Q And they are on file at the Alabama Peace Officers Standards and Training Commission office?

A Yes, sir.

Q And these waivers have been granted the people in law enforcement, is that correct?

A Yes.

Q How many wives have you granted on the height and weight requirement; do you have any idea?

A Do not hold me specifically —

Q (Interrupting) I will take a ballpark figure.

A Okay, four or five.

Q How many of these involve females, again, if you know?

A One that I am real familiar with.

Q How many waivers have you granted in other areas of the minimum standards, again just a ball park figure?

A "In other areas", what do you mean?

Q With regard to education, for instance, age, that type of thing

A Right

Q How many of those have you granted?

A Ball park figures again, I would say in the neighborhood of something like 22 or 23, somewhere in there.

Q Okay. Now, back to 7D again, "The Commission may for good cause shown"—what do you consider good cause shown for the height and weight requirements? Again if it fits the doctor's chart?

A Well, in my professional opinion, if they, I would say if they met all the other criteria—I am giving you one example of a male. He was about 6'4" or 6'5" and he weighed over 300 lbs. In think he weighed 330 or 340. We gave him a waiver on his height.

Q Have you ever had any contact with the Department of Public Safety regarding their height and weight requirements?

A No, sir.

Q Have you ever had any contact with the Board of Corrections involving their height and weight requirements?

A No, sir.

Q Have either of those agencies requested a waiver of either up or down regarding height and weight requirements from you?

A Not in the height and weight, no sir.

Q They have requested other waivers, though?

A Yes, sir.

Q What kind of waivers were those?

A In the Police Training, Subsection C, you see would be the education and the man's experience, etc.

Q Under Section 8, "Penalties", it says "anyone found in violation of this Act shall be guilty of a misdemeanor and on conviction shall be subject to a fine not exceeding $1,000." Has anybody ever been penalized under this Act that you know?

A No, sir.

MR. CARROLL: I have no further questions.

CROSS-EXAMINATION

BY MR. ACTON:

Q Mr. Jackson, I believe that you were asked how many waivers on height and weight requirements your Board had

been requested to make, and that you answered as a ball park figure four or five?

A Yes, sir.

Q I believe that you further answered in response to Mr. Carroll that one of those four or five to your knowledge involved a female.

A Yes, sir.

Q So by deduction the other three or four, as the case might be, would have involved males; is that correct?

A Yes, sir.

Q Did any of the waivers requested by male applicants involve thte minimum standards, that is 5'2" and 120 lbs., as distinguished from being over the top standards? Have you had any requests from a male applicant who was shorter than 5'2"?

A No, sir.

Q Have you had any requests from a male applicant for a waiver because he weighed less than 120 lbs.?

A No, sir.

Q And your best judgment is that in the case of the one female, and I assume from your answer to Mr. Carroll we are talking about some female who wanted to be a police officer in Gadsden, Alabama, your best judgment is that she weighed within 2 or 3 lbs. of the minimum?

A Yes, sir.

Q Set forth in the law?

A Yes, sir.

MR. ACTON: I have no further questions.

MR. CARROLL: No further questions.

FURTHER DEPONENT SAITH NOT.

DEPOSITION OF DIANE K. RAWLINSON

MR. CARROLL: I want that marked Plaintiffs, Exhibit 1.

(At this time the Reporter marks document "Plf's Ex 1 test MF Rawlinson 3/8/76 dgj Reptr"; said exhibit accompanies this transcript and is made a part thereof on Page 11 A thereof)

Q So, in 1974, anticipating your graduation, you attempted to gain employment in the position of Correctional Counselor or Correctional Counselor-trainee, and you were rejected because you failed to meet the minimum weight requirement?

A Yes.

Q And this letter explains that fact?

A Yes.

Q Have you talked to anyone at the Board of Corrections since you were rejected for the position of Correctional Counselor and Correctional Counselor-trainee?

A Yes, last December I went and talked to Gloria Piety.

Q By last December, you mean December of '74?

A December of '74 — 1974, I talked to Gloria Piety. I asked her about some other positions besides this one, and I asked her specifically about this one, and she said that the height and weight requirements, that they were height and weight requirements for that job and that I could not have that job as long as I didn't weigh enough.

Q So, you spoke with Mrs. Piety on two occassions, is that correct?

A Yes. I talked to her this past August, August of 1975, again, and about some other positions with the State, other than this one.

Q At that time did she re-affirm, because you failed to meet the minimum weight requirement, you could not be employed as a Correctional Counselor or Correctional Counselor-trainee?

A Yes.

Q From your knowledge of the field of Corrections, do

you feel that you are qualified for the position of Correctional Counselor or Correctional Counselor-trainee?

A Yes sir, I do.

Q Do you want to be a Correctional Counselor?

A Yes.

MR. CARROLL: I have no further questions.

STATE OF ALABAMA
PERSONNEL DEPARTMENT
402 STATE ADMINISTRATIVE BUILDING
MONTGOMERY, ALABAMA 36104

October 23, 1974

J. S. FRAZER
PERSONNEL DIRECTOR
W. M. ENGLISH
DEPUTY DIRECTOR
STATE PERSONNEL BOARD
RALPH W. ADAMS, CHAIRMAN
TROY
D. KYSER WILSON, VICE CHAIRMAN
ARITON
C. W. (WOODY) ANDERSON
HUNTSVILLE

Miss Dianne K. Rawlinson
1701 University Boulevard B-10
Tuscaloosa, Alabama 35401

Dear Miss Rawlinson:

The position of Correctional Counselor Trainee falls under the prescribed minimum standards for law enforcement officers as established by Alabama Law, Section 1981, dated September 20, 1971. This law (Section 7, paragraph d) states that "the applicant shall not be less than five feet two inches or more than six feet ten inches in height, shall weigh not less than 120 pounds, nor more than 300 pounds ———".

[Dep 11-A]

Since you do not meet the minimum weight requirements as stated above, we regret that it was necessary to turn down your application for Correctional Counselor Trainee.

You did not state what other positions you applied for, but if no physical requirements were specified in the qualifications for these positions, they do not fall under the minimum standards act mentioned above.

We appreciate your interest in employment with the State of Alabama and if we can be of assistance to you in any way, please advise.

Sincerely yours,
Alvin C. Ford
Examination Technician

ACF/ea

[Dep 11A]

LATER EXAMINATION BY MR. NEWMAN

Q November of 1974?

A Right.

Q Did you write them a follow-up letter?

A No, I did not. I attempted to contact them by phone several times and somehow or another I just never did get in contact. They had told me they would contact me, and after a certain amount of time I tried to contact them but I never heard anything.

Q What was the essence of your letter or your contact with the EEO suit?

A When I went -- my contact with them was when I went and filed the complaint.

Q And what was the nature of the complaint?

A It was based on when I was rejected because of my weight, and I told them about that, and they said yes, this is a case of sex discrimination in hiring, and they filed the suit as such.

Q And you have not heard anything from them since?

[Dep 29]

A No.

Q Did you apply for a waiver of the height and weight requirements with the Minimum Standards and Training — is that what you call it, Minimum Standards and Training Commission? Did you apply for a waiver of those requirements with them?

A No.

MR. NEWMAN: That is all I have.

MR. ACTON: Short conference, please.

(At this time a brief recess was taken during which a conference was held between counsel for the Defendants)

Q (Continued by Mr. Newman) Miss Rawlinson, I believe you stated earlier in your deposition that your understanding of the duties of a Correctional Officer, one of the duties would be to conduct a strip search?

A Uh-huh.

Q Do you think that a strip search of a male conducted by a female would arouse this male in any way?

A I don't really know.

Q You don't really know. All right. Would you want to take a guess on the probability of it happening?

A I have no idea; I really don't.

REMAIN PAGES OF DEPOSITION OMMITTED

[Dep 29 to 30]

MOTION FOR LEAVE TO AMEND

Come now the plaintiffs in the above-styled cause and move this Court for leave to amend their complaint by adding to paragraph 5 of Section X, Fifth Cause of Action, the following language, "and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq."

As grounds therefore, plaintiffs state the following:

1. Plaintiffs have alleged that the use of height and weight minimums as hiring criteria by the Board of Corrections violates Title VII of the Civil Rights Act of 1964.

2. Plaintiffs' amended complaint, Section X, Fifth Cause of Action, which contains allegations of sexual discrimination in hiring and assignment, states a claim for relief under Title VII of the Civil Rights Act of 1964, although that statute is not specifically referenced.

3. Plaintiffs, through this amendment, seek to clarify their Fifth Cause of Action to insure that all parties understand that plaintiffs allege that the Defendant Board of Corrections' policy and practice of refusing to hire and assign women on an equal basis with men, solely because of their sex, discriminates against Plaintiff Rawlinson and the members of her subclass in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., as well as 42 U.S.C. § 1983 and the equal protection clause of the fourteenth amendment.

Respectfully submitted,

JOHN L. CARROLL
JOSEPH J. LEVIN, JR.
PAMELA S. HOROWITZ
MORRIS S. DEES
1001 S. Hupll Street
Mongtmorey, AL 36104
ATTORNEYS FOR PLAINTIFFS

WILLIAM RAYMOND NELSON,

called as a witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MS. HOROWITZ:

Q Would you state your name, please, sir?

A My name is William Raymond Nelson.

Q Where are you presently employed, and in what capacity?

[Dep 3]

A I am employed as Warden of the Metropolitan Correctional Center, Chicago, Illinois.

Q How long have you been Warden?

A I have been Warden since August, 1974.

Q '74?

A Yes, one year before the institution opened.

Q And this institution has been opened since August of '75?

A That is correct.

Q Would you state your prior job history, please?

A Prior to coming to this facilty, I was with the Bureau of Prisons as a Correctional Program Officer, Washington, D.C., in their Program Planning Division, for a period of one year.

Prior to that, I was Director of Corrections for the City and County of Denver. That was from 1969 to '73.

Prior to that, from 1968 to 1969, I was Assistant Commissioner of Corrections, City of New York.

Prior to that, I was eight years with the District of Columbia Department of Corrections, where I started as a Correctional Officer and finished as an Assistant Director of Corrections.

Prior to that, from 1957 to 1960, I was in the United States Navy as a Naval Officer, assigned primarily to correctional facilities, specifically the Naval Retraining Command, Norfolk, Virginia, and also as a Naval Intelligence Agent.

Q So, your total years' experience in corrections is about twenty, is that correct?

A Approximately twenty.

Prior to my naval experience, I was with the Department of Mental Hygiene and Corrections of the State of Ohio, starting there in 1955, in the juvenile facility.

Q What is your educational background, Mr. Nelson?

A My educational background includes a Bachelor Degree in Social Administration, majoring in Corrections, from Ohio State University; a Master's Degree in Government, with a major in Counseling, from George Washington University.

Q I would like to ask you a few questions about this facility. It is called Metropolitan Correctional Center, is that right?

A That's correct.

Q And it is a part of the Federal Bureau of Prisons?

A That's correct.

Q What kind of facility is it in terms of security?

A Well, the Metropolitan Correctional Center is a multipurpose facility, meaning it serves the criminal justice system here in the Northern District of Illinois and provides several different types of detention services.

Generally, however, you would classify our facility as a maximum security facility. However, we do have minimum custody type prisoners in certain segments of this facility.

Q Could you tell me specifically what kinds of inmates you have? Are there pretrial detainees as well as those who have been sentenced, for example?

A The major portion of our population is the pretrial inmate who is awaiting transfer or is here on writs, awaiting transfer.

Another segment are those who are sentenced and designated to serve their sentence in this facility.

We also have immigration and naturalization detainees who have not been charged with a crime, and short term offenders who have been sentenced by the Court to serve a period not to exceed six months in a work release program.

Q The other group you mentioned, who are serving sentences, would they be convicted felons?

A Yes, correct.

Q What is the average prison population here?

A Well, the average population is approximately 275 at this time. Our capacity is 400.

Q Do you have female as well as male inmates?

A At this time, we have only three females.

Q To the extent that you have female inmates, are they housed separately from male inmates?

A Yes, they are housed separately.

Q Could you describe how the inmates are housed, as far as the physical setting? Is it a dormitory?

A The 400 inmate capacity is divided into ten separate — what we refer to as functional units. A functional unit is a self-contained facility, and most all inmate activity is conducted within that unit.

The standard unit consists of forty-four rooms and surrounding dining area —

MR. NEWMAN: You are describing one functional unit?

THE WITNESS: Yes.

It consists of forty-four rooms. It has adjacent to it showers, dining area, visiting area, exercise area. It has offices for staff and an education area.

BY MS. HOROWITZ:

Q Now, in terms of the guards' assignments, would one guard be assigned to a unit where there are forty-four inmates?

A Yes, one Correctional Officer is assigned around the clock in a standard functional unit of forty-four.

Q What is the total number of employees you have here?

A We have 151 employees at this facility here.

Q And of those, how many are employed as Correctional Officers?

A We have 82 in our correctional force.

Now, when you say "Correctional Officers," we have to break this down as to what specific type jobs.

Q Right. That was going to be the next question, so go ahead.

A The 82 that are employed — or, I should say that we have in our authorized complement, include, of course, the Chief Correctional Supervisor, four Correctional Supervisors, five Correctional Counselors, fifteen Senior Officer Specialists, fifty-six Correctional Officers, and one Security Officer. That makes the 82.

Q When you speak of Correctional Counselor versus Correctional Officer, could you describe for me the duties of each of those?

A Yes. A Correctional Officer, for example, would be assigned to provide and maintain the security and the proper custody of inmates in a functional unit.

He would have other duties, as well: Working the control center, being an activity officer, being a lobby officer — different functions, custody-type functions.

Q So, is it fair to say the Correctional Officer would be what we normally refer to as Guard?

A Yes, most approximately.

Q And Correctional Counselor is what?

A The Correctional Counselor is assigned to a unit to perform strictly counseling duties with the inmates.

Q What are the basic qualification requirements for Correctional Officers?

A The requirement for Correctional Officer is three and a half years of experience, paid or voluntary, that demonstrates ability of a Correctional Officer. In other words, he has to have experience of a supervisory or leadership background, such as teaching or instructing or enforcement of rules; this type of thing.

Q This could be something like Sunday School teaching?

A It would have to be more full time than Sunday School teaching in that respect. He has to have three and a half years of experience. Three and a half years of Sundays would be a problem.

Q What about education?

A I have asked for some notes here to check on that. High school level is required.

Q And if you have beyond high school, would that count towards the three and a half years experience requirement?

A Yes, it would. A B.A. Degree, for example, accounts for three and a half years experience.

Q Is there a height and weight minimum for employment as Correctional Officer?

A No. The requirement is that the height be proportionate with the weight, or vice versa.

Q That is the only requirement with respect to height and weight?

A Correct.

Q Do Correctional Officers receive any physical training prior to becoming employed?

A They receive training in self defense techniques, yes.

Q And how many hours, approximately, would that be?

A Approximately sixteen hours self defense.

Q That's prior to employment?

A No. No, not prior to employment, I'm sorry, after they have been employed, in their preliminary orientation program.

Q So, they get sixteen hours of self defense and that's the total as far as physical training?

A That's correct.

Q And subsequent to becoming employed or after the preliminary period, do they receive any ongoing training in self defense techniques?

A They receive ongoing training; not necessarily physi-

cal training.

Q What kind of ongoing training?

A There would be disturbance control procedures, and that gets into physical or self defense techniques, and there would be firearm training; that kind of thing.

Q Do your Correctional Officers carry firearms on the job?

A No, they do not — excuse me, not unless they are assigned to an outside escort trip.

Q But, inside they would not be armed?

A That's correct, inside the facility.

Q Do you employ women as well as male Correctional Officers?

A Yes, we do.

Q Did you, in your other positions within the field of corrections, utilize women as Correctional Officers, before this facility?

A We would use them in a women's correctional facility, but not in a male correctional facility.

Q Did you have any personal doubts or trepidations about using them when you started here?

A Yes.

Q Could you describe what they were?

A I had some concerns as to what kind of positions they could work in with men.

I was concerned about whether or not they could work isolated on a unit such as we have here, with forty-four men, and work there by themselves.

I was concerned about whether they could work the shifts, particularly during the midnight shift, from midnight to eight.

I was concerned about them working in an open dormitory where the inmates do not have rooms.

And, I was concerned about them working in our isola-

tion unit.

Q Now, in terms of how they function now, do the female Correctional Officers rotate among the various positions and shift assignments within the facility?

A Yes, they do.

Q This means women Correctional Officers are assigned to the areas that house all male inmates?

A That's correct.

Q Are there any job functions which are performed by male officers that are not performed by the female officers or vice versa?

A Yes. The male officers would not strip search a woman, and a female officer would not strip search a man. Those are the basic restrictions.

Q Would that be the only restriction?

A That is the only restriction, yes.

Q So, that means women are assigned to open dormitories in all-male units?

A That's correct, yes.

Q And it would mean that women Correctional Officers would be isolated on a unit with forty-four men?

A That's correct.

Q On what basis was the decision made with respect to restricting the strip searches?

A We felt that would be an invasion of privacy, to require a man or woman to be stripped by a member of the opposite sex.

Q From the standpoint of good prison administration, Mr. Nelson, has this created any problem, that you have a woman in a situation and she can't do a strip search?

A No, this has not presented a problem to us at this facility.

Q When do strip searches need to be performed?

A They are performed as the offender is admitted in

the receiving area, and they are also performed after every visit, and in such cases we always have a visiting officer on a unit during visiting hours, so there are two officers nearby that unit, and one of them is always a male if it is a male unit.

Q But, administratively, you have been able to cope with that restriction?

A It has presented no problems to us.

Q Were there originally any other restrictions with respect to the duties that the women officers performed, when they were first hired into this facility?

A No, I can't recall of any.

Q So, correct me if I am wrong, other than strip searches of male prisoners, female Correctional Officers perform the same duties as male Correctional Officers?

A That's right.

Q Based on your experience in employing women as guards, Mr. Nelson, would you rate the performance of the women compared to the performance of the men?

A The performance of the women is very satisfactory and you cannot compare them as one sex to another.

I would say, if you were comparing sex, there is no difference. Obviously, there are differences in performance between individual officers.

Q Have there been any instances where, for example, a woman has successfully broken up a fight within the facility?

A Yes, there have been.

Q Have there been any sexual assaults on any of the female officers?

A No, there have not been.

Q What have you found to be the attitude of the female officers toward their jobs and the environment within which they are working?

A Well, most of the women that I have spoken with

have indicated they find their job very interesting, very satisfying employment, fulfilling employment, and while they had some initial qualms or fears, these do not exist at the present time. They feel very safe around here.

Q What about the attitudes of the male Correctional Officers towards the women officers?

A Well, generally, they get along very well. I have detected some feeling that they do not feel this is a place for women. Some officers have expressed this, that they feel the women's place is in the home and not in a job comparable to theirs.

Q Has that created any problems from the standpoint of prison administration?

A No, it hasn't become a big problem. We have a very active union, for example, here and the union has not raised this at all as a problem; just isolated individual feelings there.

Q What about the reaction of inmates to having the women as guards?

A The reaction of inmates is generally positive. Any concerns that have been expressed to me have been one of privacy, because, when a female officer is on a male unit and performing her duties, she would have reason to observe a male inmate on the commode and they feel a little uncomfortable about this.

But, this has never been expressed to me in a complaint. It is when I have inquired, probed, and asked them their feelings about women officers.

The general feeling, though, is one of being positive. They feel, in relating to women, it is nice to be able to do this occasionally and, generally, as I say, a positive reaction.

Q Would you say in your experience that there are any visible effects with respect to the inmates as a result of having the women here, either in their behavior or their atti-

tudes?

A Yes. When a woman is on the unit, the men will behave more civilly, more normally. They must project an image which is compatible with the presence of a member of the opposite sex, as would be in any social setting.

Specifically, there is less profanity. They never appear in an undressed manner. In fact, their appearance is always much improved. And, I would say, general behavior, we notice when a woman is on, seems to be a bit better, more civil.

Q Based on your experience, then, if you would, summarize for me what you see, as a prison administrator, as the disadvantages, if any, to utilizing women on an equal basis with men in the guard role.

A Well, the disadvantages, from my experience here at the Metropolitan Correctional Center, we have not experienced any with our present ratio. Possibly, if the ratio became — say a higher number of women, we may experience some problems. But, I have not experienced any at this point.

Q And what is the ratio right now?

A Well, right now, we have thirteen Correctional Officers — twelve of those are Correctional Officers and one is a Correctional Officer Specialist.

Q Females?

A That is correct. I said we had fifty-six Correctional Officers, and twelve are women. We have fifteen Senior Officer Specialists and one of those is a woman.

Q Do you have any idea at what point you would start being concerned about the ratio?

You say you are satisfied with the twelve. You have twelve to forty now, right?

A Yes.

I really don't know. I have to give a very vague answer to this, because I had very strong feelings six months ago

and they have proven not to be too valid, so I will be a little more reserved. I will find out as we go along.

Q Now, the same question: As a prison administrator, what do you see as the advantages, if any, to utilizing women in the guard role?

A One of the basic purposes for employing women in Correctional Officer positions — there are two basic purposes:

One is the fact that the Equal Employment Opportunity Act applies to us; but, the primary purpose is that we are trying to establish a normalized environment for the prisoners in our custody, and the presence of women is a very strong normalizing influence.

So, it does make a more normal environment for the prisoners and, when you have a more normal environment, they behave more normally and civilly; reduces tension.

Q So, is it fair to say that within the federal system the goal for the prisoners in custody is normalization — or that is one of the goals?

A That is one of the major concerns of the Bureau of Prisons, that the environment it provides for prisoners be as normal as the constraints of imprisonment allow.

Q What is this theory based on? Have there been studies with which you are familiar indicating normalization is a good thing? What does that hopefully accomplish with respect to inmates?

A Well, our mission, our obligation, our congressional mandate is to provide safe, secure, humane custody for prisoners in a normal atmosphere. Environment is crucial to providing this kind of custody.

Q Would there be any reason, in your opinion, for a prison system to maintain a policy whereby no female guards are employed in any contact positions in all male institutions?

A That's a very general statement that I don't believe

I could give a definite answer on. When you say "any prison system," it presumes that I would know about their conditions, and I would — it would be difficult for me to answer, to say that "any prison system" — I would presume that some prison systems, if one would let your imagination go, would say "Yes," they couldn't have women. I would have to assume that. But, it is a little too general to give a definite answer.

Q Based on your experience in employing women, what would be your opinion of that kind of policy?

A I could only relate my opinion to a specific set of circumstances. The policy may be very valid considering the circumstances, but I could not make a judgment of that policy without any knowledge of their conditions.

Q So, in terms of employing women in contact positions in all male institutions, what kind of circumstances do you think need to exist in order for that to work successfully, as it apparently has worked here?

A Well, I think there has to be a general feeling of security within the institution, the security of the employees.

I think that hopefully the environment is as normal as possible, because the introduction of women is a normalizing influence.

There should — I was going to say there should not be the opportunity for sexual assault upon the female officer, but, on the other hand, this is not so much a physical state as it is the whole general environment which would facilitate this type of assault or deter this kind of assault.

Q What, in your opinion, are the qualities that a person should possess in order to perform successfully as a Correctional Officer?

A The ability to communicate effectively; maturity; they should be, of course, — as related to communication, they should be able to express themselves very precisely and

clearly; they should not be abrasive in their dealings with inmates.

Q Relatively speaking, how important, in your opinion, is physical strength versus emotional and psychological fitness?

A Well, physical strength is only utilized at a time of confrontation, and ability to deal with tact and diplomacy and competency is called upon almost at all times, so, if you are going to weigh the two — they are two precisely different characteristics — I would say I would put a greater value on the ability to deal effectively with inmates than their physical strength.

Q How often, in your experience, do confrontations, where physical strength would be the primary factor, occur?

A Confrontations at this facility would average approximately once a week.

Q And what would be the procedure that a guard would be instructed to follow in the event that there was a disturbance or a confrontation?

A The officer would summon help as quickly as possible. Our policy is, when we are confronted with a physical situation, to use as many officers — to go in and treat it with force, full in-force, you might say.

Q Say you had the one Correctional Officer assigned to the forty-four man unit, the policy would be that that officer, regardless of his or her sex, would be instructed to call for backup, is that correct?

A That's correct, before a physical confrontation would be made.

Q When we talk about physical strength as being a factor in working as a Correctional Officer, is it necessary that all members of the guard force be heavies, so to speak, or are we talking more about a collective thing?

A Well, it is a collective thing and, obviously, if you do

have an all male force — and with our physical requirements, they are going to vary in size and, of course, size is only in relationship to the inmate with whom they are going to have the physical confrontation — they also vary, vary in physical ability and strength. One may be ill; one may have a bad back; one may have a bad arm. So, it has to be a collective force as opposed to individual.

Q And that would be true whether it was an all male force or desegregated?

A True.

Q In your opinion, Mr. Nelson, is the ability to cope with the job's elements of danger dependent upon the officers' sex?

In other words, if you had two Correctional Officers and you knew nothing else about either of them except their sex, could you say, on the basis of sex alone, which one would be able to cope better with the elements of danger?

A No, I could not, on those limited factors.

Q Could you say, on the basis of the officers' sex, which one would be better able to maintain security and order?

A No, I could not.

Q In your opinion, should a height and weight minimum be used as a criterion for employment as a Correctional Officer?

A In my opinion, I think a height and weight requirement is much too arbitrary. There are so many other factors that are so highly critical to the job.

I think that you have to be extremely arbitrary. You have to take a specific number of inches or specific number of pounds and anybody who differs one way or the other does not make it and, obviously, that is not a valid point of discrimination.

Q With respect to the guard force that you have here — I don't expect you to tell me how tall each of your women is —

do you have short women among them, do you know?

A Let's see. Yes, among our women officers they vary in height from five foot, two to five, eleven.

Q Do you have weight there too?

A Yes. In weight, 113 to 180.

Q So, that would indicate that you have got at least one woman who is five, two and 113 pounds?

A That's correct.

Q Let me give you a hypothetical, Mr. Nelson:

If you had two candidates for the position of Correctional Officer, one was five foot, five and one was five foot, one, and you knew nothing else about either person, could you predict the taller of the two would perform better?

A No, I could not.

Q And the same hypothetical: If you had two candidates and one was 140 pounds and one was 115, knowing nothing else about either of those persons, could you predict the heavier of the two would perform better?

A No, I could not.

Q One more: If you had two candidates and one had a degree in Correctional Psychology and the other had a high school education, would you have a preference between those two as to which you would hire?

A I would have a preference; but, on the other hand, there are many other factors that we consider other than education. But, everything else being equal, shall we say, the person with the college degree would be preferable.

Q And what would you base that preference on?

A The ability to express themselves, written and oral; their knowledge of specific correctional philosophy and approach; a demonstrated commitment to corrections or criminal justice as a career.

MS. HOROWITZ: I have no further questions right now.

EXAMINATION

BY MR. NEWMAN:

Q Mr. Nelson, I believe you testified that your opinion as to the success of women as guards is based upon your experience here at this institution, is that correct?

A Correct. It is based upon my experience which has been six months essentially, or since August, mid-August of 1975.

Q I believe it was also your testimony that there are some situations in which women should possibly not be employed as guards, is that also correct?

A Yes, I did say that.

If I might go back and clarify the other answer, my opinion on women is based on my direct experience here plus the experience of my associates in other Federal Bureau prison facilities, with whom I have discussed their experience, and they have confirmed mine.

Q I want to give you some situations and ask your opinion as to whether or not you feel that women should be employed in a guard position under these conditions.

A Okay.

Q Where the institution is horrendously overcrowded; talking about female guards in a male institution, in a contact position, where the female would come in direct physical contact with a male inmate?

A Isolating these conditions as a single condition, that would not, in my mind, prohibit the use of women.

Q In a dormitory type situation where the bunks in the dormitories are often packed together so closely that there is no walking space between them and sanitation and security are impossible to maintain?

A Under those conditions, I certainly would have some questions about it, because that also implies other circumstances.

See, one of the problems in answering your questions is you are trying to isolate items which, in reality, are not isolated, but are combined with other factors, the types of inmates, culture, so many things.

Answering that specifically, I would have some questions about it, but wouldn't reach a definite conclusion.

Q Where the appreciable percentage of inmates are suffering from some mental disorder and that the mentally disturbed are dispersed throughout the prison population without receiving treatment and that the makeup of this population is ten percent psychotic and another sixty percent are disturbed enough to require treatment?

A Again, you are looking for specific "Yes" and "No" answers and I am immediately relating to our own experience here, where we do have certain psychiatric cases — or one individual case I can remember which we absolutely kept segregated from women because of his assaultive background and, if you were to say — to rephrase it and say if that individual was allowed to roam free in our facility here, I would certainly seriously question the use of women officers there.

Q Let me rephrase that and say my question was intended to be as it was found, that ten percent of the population is psychotic and they remain untreated and they do roam unidentified in the prison population.

A Yes, I would have to definitely say that that would present grave concerns to me on that.

Q Where violent inmates are not isolated from those who are young or passive or weak?

A Yes, that would be another factor that would limit their effectiveness.

Q Where the robbery rate — extortion, theft and assaults are everyday occurrences among the general inmate population?

A Yes. I think I referred earlier to the fact that they work effectively where you do have a more normal type environment.

Q But, in a situation like this, you would not advise — or, you would have doubts?

A I would certainly have doubts, yes.

Q Where the institution is woefully understaffed?

A Again, I am having difficulty with isolating these factors. If you are saying "understaffed," "an understaffed institution," I would not say that that would make a sizeable problem there.

But, if you say "understaffed in all of these conditions," that makes a different situation.

Q Where there is an extremely high inmate-to-staff ratio which makes personal interaction between the two, inmate and staff, virtually impossible because staff members must spend all their time attempting to maintain control or protecting themselves?

A Yes, that would be an obvious concern. Yes.

Q Where in the institution there is -- well, violence is rampant and there is a jungle atmosphere?

A Yes, I would say that would be an inappropriate area for the use of women.

Q Where most prisoners carry some form of homemade or contraband weapon?

A As that relates to the previous condition, yes.

Q Where there are too few guards to prevent outbreaks of violence or even stop those which occur?

A Yes, I have to agree.

Q To agree?

A Yes, I have to agree that that would be an inappropriate place, in my opinion, for women.

Q Where violence is widespread?

A Yes. In the same context, yes.

Q Where inmates are denied any meaningful opportunities to participate in vocational, education or work activities and, as a result, spend most or substantially all of their time crowded in dormitories in absolute idleness.

A The two conditions there and again trying to isolate them presents a problem. Would it be permissible for me to break them down?

Q Yes, sir.

A For example, I would say absence of vocational training programs would not constitute a reason.

Then, of course, the crowded conditions I responded to earlier. You are combining them and I think I would be more clear if I could respond individually there.

Q Well, let's combine all of these conditions that I gave you, not necessarily finding all twelve in one institution, but a substantial number in each institution. Would you feel an institution that has a combination of several of these factors would be an appropriate or inappropriate place for women to be a Correctional Officer in a contact position?

A Certainly, as you state the conditions and, of course, this is somewhat hypothetical, I would have very serious doubts whether this would be an appropriate facility for the employment of women Correctional Officers.

Q Let me ask you: Do you have any idea as to the rate of homosexual activity in your institution, that goes on?

A Yes, I have; virtually none; none discovered.

Q Where there is widespread homosexuality in a prison, would you feel that a situation like that would be appropriate or inappropriate for a woman as a guard in a contact position?

A Alone, as a lone condition, I would say no, it would have no bearing on that, as a singular condition.

Q You do not feel it would affect the incidence of homosexuality among the inmates?

A No, probably — and again, this is an opinion — but I would say that it would have no bearing on that condition.

Q Have you ever been associated with a program, correctional program, that utilizes a farming operation?

A Yes, I have. District of Columbia had a large farming operation.

Q Would women make good farm guards?

A I obviously had no experience with women making good farm guards, but I could see no reason why they would not make good farm guards.

Q I believe in the first part of my cross examination I gave you twelve factors, twelve — we will call them hypotheticals.

Would you consider these conditions to be a normalized or normal effect in a prison?

A I would say it is obviously a very abnormal environment for human beings to be placed in.

Q I believe you testified earlier that a prison should be as normal as possible before putting a woman in there as a Correctional Officer?

A Yes, the introduction of women is a normalizing influence, and you are trying to change a population or make it normal, and it is a question of when you enter the women of this normalizing influence.

But, on the other hand, something as grossly abnormal as you have described, I would have hesitation to place women in that setting.

Q In other words, in a situation such as we have in Alabama, or the hypothetical, you would try to normalize the conditions before placing a woman?

A Yes, very definitely.

Q Now, you have, I believe you said, 275 inmates here?

A That's correct.

Q And a design capacity of 400?

A That's correct.

Q Now, these ten units, self-sustaining units, I believe you called them —

A Yes.

Q — do you segregate these people or separate them or classify them as to who goes in which unit?

A That's correct.

Q In what way do you do this?

A Well, we very obviously place the women in the women's unit; the work release male inmates in a separate work release unit; the immigration and naturalization into their separate unit.

The pretrial, of which there are four units, pretrial category, would be separated, first of all, by when they arrived. We have an admission orientation unit which takes care of one of those four; and the other three are generally based upon the need for separation between co-defendants or persons involved in their cases or violent type offenders.

So, it is generally a separation based upon how they can best adjust to those three units.

And then, we have those that are serving their sentences, and they are in a separate unit.

We have another category, which is maximum security, and they are placed in that unit because they have violated an institutional rule and are awaiting court action or — not court action, but an institutional disciplinary hearing, or they are in there for protective custody or safekeeping. In other words, a very high security risk would be kept in our maximum security unit.

In addition, we have a punitive segregation unit for inmates who have violated the rules and have been found guilty of violating the rules and as a sanction imposed serve so many days in punitive segregation.

And then, there is a hospital area as well.

Q Are the women guards restricted from any of these areas?

A No, they are not.

Q Are they allowed to go in each of these areas by themselves?

A In the maximum security unit, we always have two officers in those units, and one officer, whether it be male or female, is not permitted to go back into the unit unless there is a backup officer.

Q And if there was a woman that needed to go into one of these units, would the backup officer be male?

A Could be.

Q Do you know of any instances where two women have gone back there by themselves?

A I know of one instance personally, where we normally have a man and a woman on a unit but on lunch relief, when I visited the unit, there were two women, and one woman officer escorted me and the other stayed as the backup.

Q But, normally, the male would escort?

A Yes, normally the male would have the contact in the unit and the female would be the backup.

Q And why is that?

A Basically, you have a male and a female and you use them where they are best suited. I mean, maybe it is physical physique, maybe it is the assignment of their position, like there is a one-officer and two-officer.

But, generally, it is the male that goes in. There is no specific procedure or requirement that it be that way.

Q Why is it that generally the male is the one that makes the contacts?

A Generally, because he probably, generally, would be more physically robust, if this was the case, and maybe it is basically from tradition.

Q I believe I limited this particular line of questioning

to your maximum security area. Does this also go for your more minimum security areas?

A In the other security areas, the men and women officers work interchangeably and there is no restriction on that at all.

Q If a woman calls for help, is the backup usually a male or a female?

A It will be anybody who is available at the time. It could include women. We just respond in force. It could be a clerical person. Women do respond to trouble calls as well as men.

Q They would be responding in force?

A In force, yes.

Q So, more than likely there would be at least one male that responded?

A Oh, yes, try to respond with as many as possible. Usually five or six would respond to a trouble call.

Q Do you have any idea of how many of these trouble calls you have had in the last sir months or since women have been employed here?

A I would say there must have been trouble calls of at least a hundred in that period of time.

Q Would you have any opinion as to whether or not the trouble calls have been made primarily by women or men?

A Well, I would say they were primarily by men because of our ratio, the number of men related to women on our staff.

But, as I say, when an alarm goes off, calling for a response, every officer that's available goes and I know of many cases where women have gone and participated in the restraining.

Q How do they make this alarm or how do they make this trouble call, just yell, start screaming?

A No, a trouble call is sounded in three ways. For

example, one is by dialing 222 on the phone. Another is to take the receiver off of the phone and it goes into automatic alarm. A third is to activate a body alarm, person alarm, that unit officers carry with them.

Another way would be by walkie-talkie, if the officer has a walkie-talkie.

Q But, they have alarms on them or walkie-talkies with them at all times?

A Yes, unit officers. The alarms are related to a specific geographic area, so the officer on the unit usually carries a body alarm. A person who moves about might have a walkie-talkie.

Q These are more minimum security areas with the forty-four rooms. Are these rooms -- do these rooms have locking devices on them?

A No, they have a lock on the door, but when you say "locking devices" —

Q Can they be locked at night?

A Yes.

Q Are they locked at night?

A Yes, they are.

Q What time are they locked?

A 10:00 o'clock.

Q What time are they opened?

A 6:00 o'clock in the morning.

Q How many people occupy one of these cells?

A One.

Q So, from 10:00 to 6:00, the cells are locked?

A That's correct.

Q 10:00 at night to 6:00 in the morning?

A Yes.

Q What time are your shifts?

A Well, we have five different shifts. We have the regular 8:00 to 4:00, 4:00 to 12:00, and 12:00 to 8:00, and

then we have an early and late. Early is from 6:00 to 2:00, and 2:00 to 10:00 is the late.

Q Who locks all these cells?

I believe you testified you don't have a central locking — or, do you have a central locking?

A No, we do not; individual.

Q How are they locked?

A By the officer.

Q And how are they opened?

A By the officer, individually.

Q Is one officer assigned to unlock and lock?

A Yes.

Q There's never two?

A The units are generally not staffed with two at that specific time. If there was an emergency count or something, there may be two on there, but not as a positional staffing. When they lock up, one officer does it.

Q But, at night, generally the inmates are locked down, so to speak?

A That's correct.

Q Now, what is the most common crime that an inmate assigned here has committed?

A Particularly in our pretrial group, the most common crime is bank robbery; second most common is narcotics.

Q Do you have any idea how many sex criminals or those accused of sex crimes are here?

A Very few. When you say — let's differentiate between a sexual deviant and people sent here for the commission of a sexual crime, if we can do that, because we have people here who are sexual deviates who, on this occasion, were not sent to us because of that specific type of crime.

Q Let's lump them all together, those who have had some experience with sex crime or sexual deviates. What kind of percentage do you have here?

A Very, very few. I would place it around no more than two percent.

Q And are they housed in any particular area?

A If they are identified as a very, very serious threat.

Q And where would they be housed?

A Either in our hospital or maximum security area.

Q Roughly two percent would be about how many out of your 247, four or five?

A Well, at any one time. But, our population turns over, so we get into a problem coming up with percentages.

Q But, usually not more than ten?

A No; not at any one time, no.

Q I want to ask you, then: If you had a population of roughly ten percent that had been convicted of some type of sex crime — I am talking about rape, sodomy, assault with intent to ravish, et cetera, involving sex — and they are allowed to roam free in dormitories, would that be a proper place to assign a lone female Correctional Officer or guard?

A If there was no effort to individually identify which presented a certain kind of risk, actual risk opposed to what they have been convicted of, yes, I would say that would constitute a problem because, in our situation here, we found such individuals who we have found constituted a problem and we isolated them where they had no contact with women officers or employees.

Q Regardless of whether or not they have been isolated, you do it by an overt action?

What I am trying to say, when you identify these people, do you identify them by an overt action or that they have made an overt action?

A Well, they may have made an overt action in the past. We look at their history.

Q There is always the possibility of sexual assault when you have a sex criminal, whether he has been identified

as a risk or not, is that correct?

A Same as there is a possibility of sexual assault with a person not convicted of a sex crime.

Q And with a ten percent population of persons who have been convicted of sex crimes, that are not isolated, have not been isolated, put in segregation or maximum security lockup, do you feel that that still would be an appropriate or inappropriate place for a woman?

A No; as you describe it, I would say that would be an inappropriate place.

Q Let me ask you this, then: Considering, of course, the premise that a male could be sexually assaulted, just as a female could be sexually assaulted, if female Correctional Officers were assigned to an all male institution, would the probability of sexual assault on a Correctional Officer be greater or would it be the same, or do you have any opinion?

A Are you saying would the probability of a sexual assault upon a female officer —

Q No, upon a guard. I am saying: Taking into consideration that a male guard could be sexually assaulted as well as a female guard —

A Yes.

Q — now, if you put female guards into an all male institution, would the probability of sexual assault on a guard be increased or would it remain the same, or do you have any opinion as to what effect it would have?

A There is a relevant point here, and that is the sex of the officer.

I have to answer from the standpoint that I would assume that the probability of sexual assault upon a male officer would remain the same, obviously.

I would say there would be a higher risk of sexual assault on the female officers, basically from the standpoint that in an all male institution a male officer doesn't present — there

is a surplus of other males, you might say, to engage in sexual activity with, so he doesn't present any particular value. The introduction of a woman officer does present another factor.

So, I would say it would increase the potential for sexual assault upon the woman officer.

Q Does the type of layout of an individual prison or penal institution dictate the type of security that should be maintained in that institution?

In other words, with a locked-down, single cell type institution, would the institutional security be maintained differently than if there was an open, large dormitory type situation?

A Yes.

Q Would the security be more for the dormitory situation or the single cell situation? Would the necessity for institutional security be more or less?

A The problem with coming up with a concrete answer to that is we have to get back to what kind of inmates do you have in these different facilities.

Normally, the dormitory is used for minimum custody type inmates, like we use for our immigration cases or for our community based or work release type inmates and, in those situations, there is less need for custody. That is why we use a dormitory, and there is no problem with security.

On the other hand, if you take a very aggressive type inmate and put him into a dormitory versus housing in a single cell, you have a greater security problem in dormitories.

Does that answer your question?

Q Yes, sir. I'm sorry, I did leave out about the type of inmate that you place into a dormitory type situation.

Do you have any opinion as to why you feel that the inmate's appearance, his physical appearance, his dress, his manners, have been raised in your institution with the input

of female Correctional Officers?

A Oh, yes. Inmates are human beings, and all human beings behave that way. When you are placed in a mixed social setting, both male and female members are very concerned about their appearance.

That is just a normal response of human beings, and it is a normal response for them.

Q Is that sexually related? I am not talking about overtly. What I am talking about is, if I can explain it, is what we say "trying to get next to the woman"?

A No, I think it is more of a subconscious reaction. It's very difficult to tell what motivates them, but we do notice, when a man comes out in the morning and there is a woman officers, he wants to check to see that his hair is combed and everything is looking right, and he probably does this when he goes into any place on the outside.

It is just a normal male reaction to the presence of women and a normal reaction of women to the presence of men.

Q Can you tell me how long the average inmate stays here, incarcerated in this facility?

A This is somewhat difficult because of the different categories we have, but, among the pretrial, it is approximately thirty-two days — again, that figure is somewhat misleading because we have a great number of those types that stay here only a few days and, again, another group that stay up to four or five months. Therefore, they produce an average which is not really indicative of the length of time that many of them stay.

With our persons serving sentence, they stay here for an average time of about a year.

Those individuals who are in work release stay for an average period of about four months.

Those in immigration and naturalization stay for an average period of forty-eight hours.

So, it is a complex bag of averages.

MR. DAVIS: Off the record.

(Discussion held off the record.)

MR. NEWMAN: Back on the record.

BY MR. NEWMAN:

Q Would the length of stay in an institution in which he has been deprived of female contact have any bearing on how a prisoner would react toward the introduction of a woman into that setting?

A From my experience, I would have to say no, because we get inmates here all the time from the penitentiaries and they have been incarcerated five, ten years, and they come here and they are confronted with a female Correctional Officer.

It is a novelty, but it has presented no problems.

Q Do you have any idea what percentage of those type prisoners you get here?

A Percentage? No. I would have to do some research on that. I have just encountered them in my tours around the facility.

Q Would it be few or many?

A I would say certainly it would be few compared to our population, yes.

Q Would it be — in other words, what — would your population be saturated with those type people? I mean —

A Would it be more than twenty-five percent or ten percent? I would say it would be less than ten percent. Would that be a way of expressing it?

Q Right. Thank you.

What I am trying to get at is: If you have a population of a hundred percent of these people, prisoners who have been or are assigned there for long periods of time, some sentences up to 120 years, and the entire population has been deprived of female contact for this period of time, would

that, in your opinion, have any effect upon the introduction of women into the prison?

A I think it would have an effect, but it would be very difficult to isolate this particular characteristic of the population and say it would have a bearing. You would have to take into consideration the total atmosphere.

Q Now, your women here don't conduct strip searches?

A They do not, no.

Q And the reason for that is you feel it would be a violation of the inmates' right to privacy or the Bureau of Prisons feels that way?

A Yes. I think, again, it is not acceptable, you might say, to the officer or to the inmate or to the public. I think we are at a point in our development where this is not an acceptable feature.

I think that would be exceeding the bounds of propriety and professionalism and would create unrest and uncomfortableness.

Q Would it be fair to say that your women here who are assigned as guards do not perform all the duties a male Correctional Officer has to do?

A It would be fair to say they perform all the duties with the exception of the male strip search, yes.

Q So, your male officers are performing extra duties?

A It balances off because the male officers do not strip search the women.

Q But, you only have three women here.

A That is today. We may be up to forty-four. That is our capacity, forty-four women.

Q When you have a farm operation — I believe you said you were familiar with a farm operation —

A Yes.

Q — the number of strip searches would be greater, wouldn't it, with the inmates coming in off the farm?

A Well, it's hard to make a comparison, obviously, between an urban high rise and a farm, but let us say we have a great deal of strip searching with our visiting because, every time they have visiting, they must come through a strip search afterwards.

So, there would be a relative comparison to our visiting function and coming back from farm detail.

Q How is that accomplished?

A The inmate comes out of the visiting room into a vestibule, where he then removes the clothing, and the officer inspects the clothing and the nude body.

Q What other occasions do you have for conducting strip searches?

A When the inmate is admitted to the institution.

Q Those are the two main —

A Yes.

Q You have how many officers assigned to this?

A For the visiting purposes, for example, when a unit is having visiting, which is — the pretrial is five days a week, from 2:30 in the afternoon until 9:00 — there will be a visiting officer assigned during that period who remains in the visiting room, and there will be another officer who is back in the unit, regular unit officer.

One of those officers is always a man, so the visiting room could be either way, but the male officer will do the strip search.

Q So, would it be fair to say a very small percentage of your officers are involved at any one time in conducting a strip search?

What I am saying is: You only have one officer that conducts a strip search during visiting?

A No, one in each. There is one in each of the functional units. Each of the functional units has a visiting unit with it.

Q Just a few more questions, Mr. Nelson.

I believe Ms. Horowitz asked you about physical strength, and it was not one of the prime factors or characteristics that a prison guard should have.

A For our facility, that is correct.

Q There are times, however, when physical strength is very important, is it not?

A That's correct.

Q And during those times, it is better to have physical strength than not to have physical strength, is that correct?

A Well, I would say you should have a sufficient number of officers available who are physically able to put down a disturbance or restrain an inmate. Yes, that's certainly important.

Q But, at those times, it is more important to have physical strength than not to have it?

A Very definitely.

Q Have you ever been familiar or are you familiar or ever worked in an institution where you had a hundred-man dormitory situation?

A Yes.

Q Have you ever been familiar with an institution where the bunks are stacked two together, four across?

A Yes.

Q Would or would not height be an advantage in that type of situation?

A I think the situation is that height would serve an advantage, but it is so infinitesimal in significance whether you have an officer that is six foot, two or whether you have an officer that is five foot, five.

The six foot, two officer has a great many advantages. On the other hand, the five foot, five officer may have the advantage of seeing under certain things in a double bunk bed.

In the assignment of male officers to dormitories of that type, there was never any determination made by his height or selecting him just to be assigned to those facilities. In that kind of a situation, it is more how you can deal with the inmates in the facility in a mental way than it is with what you can see, because the odds are against you as it is and, if you are an abrasive person, you can be seven foot tall and the odds are against you.

I might add that I worked personally with 400-men dormitories of that type of thing and I didn't feel I had much advantage with my height.

Q May I ask you this: Do you have any opinion as to whether or not there should be a cutoff anywhere as to height and weight? Is there a point where your size just becomes too small?

A Yes, I would certainly say that a person's physique relates to how effectively they can perform as a Correctional Officer. I think there's obvious degrees, but the difficulty comes in making an arbitrary cutoff.

As I say, we use the very general concept of a proportion of height to weight. Certainly, in your selection, capacity of a person applies. If a person is, let's say, four foot tall and weighs seventy-five pounds, there are other ways of eliminating that person from applying for the job as opposed to saying, "We will not accept anybody under five foot," or something of that type.

The Bureau of Prisons does not have a height or weight—an absolute restriction, and it has not hampered the Bureau of Prisons in selecting their officers or imposed any problem.

I think the greater problem is imposed when you have that specific cutoff and you have a person come in who is — let's say the cutoff is five, two and he comes in and is five foot, one and a half and has got everything, he or she has a lot of ability, and you can't take that person, but you can

take a person five foot, two and a half who doesn't have the same equipment.

I would say, in those kinds of choices, obviously, you are making a mistake to go by one inch or so. So, I would say we work very effectively without height or weight requirements.

Q One further hypothetical question: If you have two people — we will assume you have positions for females as well as males, but you have two people applying for the job and one of these people is five, ten, 180 pounds, well proportioned, and the other is five, two, 115 pounds, well proportioned, everything else, educational background, experience, you talk to them and they are both about the same, do you have a preference as to who you would pick?

A Yes, I'd say, everything being equal, I would take the better physically proportioned person.

Q The five, ten, 180 pounds?

A Yes.

MR. NEWMAN: That's all the questions I have.

MR FLACK: I have just a few questions.

EXAMINATION

BY MR. FLACK:

Q Do you have any people in this institution charged with murdering of females?

A Yes, we have had.

Q They have been placed in a lock-down situation?

A Yes, that's correct.

Q If an incident happened where one of your female officers was — if an attempted assault was made on her and then the inmate attempted suicide after this, would this have any bearing on your determination as to continue the program?

A No.

Q If, added to that, you had one of the female guards, right in about the same period of time, pinched by one of the inmates and, due to her wrath, she turned around and slapped him, would these two factors, added together, help in determining the program as to whether to have females — in other words, the prior incidents happening and then this happening, all in one period of time?

A I think we would try to deal with them on individual cases there. Again, you are isolating these kinds of situations out and, in isolation, I would say we have to deal with them as individual cases and it would not change our operation here any.

Q If, upon your inspection, going around, you noticed that female Correctional Officers were having to repeat themselves more often than males in giving orders or giving commands to inmates, would that have any bearing on it?

A Well, in going around, you see, that kind of a quality would be an individual characteristic, unrelated to sex.

In fact — I don't know if I should go on and expand on this answer, but we find a strange characteristic here, that the inmates are almost responding without command from the woman detail officer.

What I mean here is they have certain cleanup details to do and I have had an inmate express to me that they don't like to be nagged by a woman on cleanup detail, so, when it comes time, they get their work done so they won't be put in this position of having a woman telling them, "You clean that or that." And that is the actual experience we had in going around.

So, in specific response to your question, I think it is more in relation to individual attributes of officers, whether they have been men or women.

Q If you learned at about the same time these other aspects had happened that one of your female officers had

resigned and married one of the inmates, would that have an effect on your continuation of the program?

A No, because it would be handled as an individual case.

Q If, at the same time, you had a charge filed in Federal Court calling into dispute one of the female guard's sexual behavior — all these factors are happening within a short period of time —

A You will have to be more specific on the latter, Federal Court calling in dispute a guard's sexual behavior.

Q That is, the woman was not, say — let me rephrase the question.

Suppose you had a charge filed in Federal Court charging the woman with immoral and abnormal sexual behavior, and, for this reason, the female filed a disciplinary against him, because he was going to tell.

A Well, again, we would deal — should such a thing come up — with it as an individual case, whether it be male or female.

Q What I am talking about, if these had all happened within a short period of time or a period of time, would it have any effect as to your determination of how well females in general could function?

A I would say that if our experience with women was very unsatisfactory and we had a great many instances like this, under that situation I would say yes, we would certainly question our operation.

But, based on our experience. If these things began to happen, it would be something else.

Q In the policy statement put out by the Federal Bureau of Prisons, they made an exception of penitentiaries.

A That's correct.

Q Do you know any reason why they did that?

A Because of the structural design of these facilities; because of the types of inmates; because we wanted to gain

experience on the other types of institutions.

As I say, our experience is not totally complete. We need more experience with this and we should progress in the other institutions to where we have gained a greater body of knowledge.

But, our intention is to introduce women into the penitentiaries by 1978.

Q Do you have males working in the female units?

A Yes.

Q Inside the dormitories?

A Yes.

Q And they perform exactly the same type of functions as the females in the male units?

A That's correct.

Q Are the female units set up differently than the male units?

A The same; they are a forty-four room situation.

Q Then, both sexes would be involved in seeing each other use the commode?

A That's correct.

Q And showering?

A Showering is done privately, so that the inmate goes into an individual shower stall and locks the door behind him. You can unlock it from the outside with a key if you must go in, but he does this privately; no one observes him.

Q There is no visual contact?

A No.

There is an exception. On the maximum security floor the shower is so situated that the officer in the glassed-in control unit has full observation of the shower and, at times, this is a woman. And, when the woman is there and she is the only one to observe, she does observe in this situation.

Q Then, you consider it normal for females to observe naked males and males to observe naked females?

A No, it is not normal. It is only in the unusual circumstances you have to do that.

In other words—and I should emphasize this—if it became an emergency situation to strip search men, our women would do it. We don't consider that normal. We would only do it in an emergency situation. We would see nothing wrong in their doing it.

Q But, using the commode is normal—

A Yes.

Q —for a male to observe a female?

A In our setting, yes. We say that it is normal because it is not something that—you'd have to see our structure—well, for example, the doors to the cells are like the door we have here in my office and one may observe through that window as they walk by. The commode would be where the coat rack would be.

Q If you had exposed commodes, exposed right along—

A You mean a communal type situation?

Q Yes.

A We don't have those.

Q If you did, would you have women in the dormitories?

A No, I would have some problem with that, very definitely.

I think, in our setting, it works out very well. We had some questions about it originally, but as it developed it worked out very well.

Q In other words, the commodes are in the individual rooms?

A Yes.

Q Then, again, if it was a dormitory situation where there was communal bathing and communal urinals and communal commodes, you would recommend against women?

A Yes, that would present another problem that I would find rather difficult.

Q You have stated that four feet would be, in your opinion, too short. Would four foot, seven?

A I never saw a four foot Correctional Officer, so I just took that out of the air.

Q What about four foot, seven?

A Hypothetically, because somebody would prove me wrong, would show me a good four foot, seven when I haven't seen one, it is difficult to respond as to how many inches a person should be on that.

Q If you had an applicant that put down on her application — supposing that we did have a minimum standard, five foot, two, and then you found out she was four foot, seven, would you consider that a material fact in rejecting her?

A Well, we would be concerned about the falsification of an application in that respect, certainly, but, as I say, we are concerned about general — about their physical ability to perform and, if a person of that height represents a physical problem, that would be part of the overall concerns in selecting them.

Q Do you say an average of one female guard out of seven guards in an all male facility would be sufficient?

A One out of seven?

Q Yes, approximately fourteen percent.

A That percentage has worked out fairly good for us, yes. I would say that would be a good percentage, but it depends upon your experience. I really don't know what the best percentage is.

As I say, with our twelve officers here, or thirteen officers — of the Correctional Officers, let's say, we had fifty-six and the twelve ratio works out fine for us.

Now, would fifteen and fifty-six work out? I don't know until we find this out. I don't think I have enough information or knowledge to say, and it also depends, I am sure,

upon the type of facility you are operating.

So, I couldn't really come up with a good answer to your question.

Q Is the Correctional Officer that is stationed in an all male dormitory — what rest room facilities does she use?

A Well, there is a washroom on each unit for the officer, and she uses that washroom facility. In fact, there are no washrooms in the area designated for men or women in this facility.

MR. FLACK: I have no more questions.

MS. HOROWITZ: I have just a few more.

EXAMINATION

BY MS. HOROWITZ:

Q How often are head counts conducted within this facility?

A Five times a day.

Q I believe you testified on cross examination that the cells are locked from 10:00 at night to 6:00 in the morning, is that correct?

A Yes.

Q Is a head count conducted during that time period?

A Yes, that's correct.

Q So, if there is a female officer in that unit, she would go in and do the head count, is that right?

A Yes.

Q And also, I would like to ask you to expand a little further on your response with respect to the situation where there is communal bathing and commodes.

Would this mean you would advocate a policy whereby women were excluded from working in that facility at all, or would you treat this, as you have the strip search situation here, and make that a restriction on the women who are employed?

A I find some difficulty in responding, because we are responding to a hypothetical situation.

Hopefully, I would like to more physically rearrange the communal type toilet facilities. We have open dormitories and we have facilities there, you might say communal or central type facilities, but they are partitioned off, which allows for privacy.

I would say I have worked with dormitories where they are the open type facilities and I would find that very difficult, for a women officer to work in there.

I don't know if I answered that question.

Q Let me ask you this way: From the standpoint of good prison administration, so you are not sacrificing good prison administration, is it, in your experience, possible to restrict the duties of the women, as your situation with respect to strip searches, and still utilize women so they perform an effective function within the institution?

A Yes.

Q Do you think the inmate's length of stay in a facility is relevant in terms of the difficulty of the guard's job?

A Well, not if you specifically say "length of stay." Generally, length of stay is related to his aggressivity, his personality—for example, murderers primarily have the longest length of stay and, as a group, are probably your best prisoners, in a generality.

Also, kidnappers, robbers, and some of your most vicious offenders normally have a long stay. So, it is very difficult to attach length of time as the only factor.

Q Is it relevant, though, with respect to length of stay, that a guard, for example, does not get to know a prisoner who is only there thirty days and he or she would get to know a prisoner who had been there a year or two?

A I don't know. I have not had that experience.

As I say, we have only been operational six months, so

these prolonged relationships I have not had experience with.

Q How about facilities where you worked previously, where you just had male guards?

A To what factor, dangerousness?

Q And ability to maintain security. Is there any advantage to the guard in being able to observe and know an inmate over some period of time?

A Oh, yes, there is a definite advantage.

Q What is that advantage?

A The advantage is you are more aware of his background; you are more aware of what his potential would be. Maybe you have even developed a relationship with him that is very helpful in your work.

But, when a person is here for a short period of time, is somewhat of an unknown, you have not developed a relationship and you don't know what they are capable of doing, so there is a problem there.

Q In response to some of the hypotheticals Mr. Newman posed, several of them went to the fact that a given class of inmates were not isolated from other inmates — specifically, I think he gave an example of mentally disturbed inmates and also the example of inmates with a known propensity for violence.

Now, would you say that with respect to the utilization of women an appropriate classification system makes a big difference?

A Very definitely, yes.

Q And would you say, relatively speaking, that would be a crucial factor in determining to what extent — whether and to what extent you were going to utilize women?

A I would say yes, that it is a major factor how effectively women could be utilized.

Q And if you did have a classification system, then, from the standpoint of prison administration, it would be

possibly prudent to not assign women to certain areas within that prison based on the classification of mentally disturbed prisoners, but to use them within your other classifications?

A Yes. I don't want to say that women can't effectively work with mentally disturbed prisoners.

Q You are not saying they can't?

A No. In fact, they might be more effective in working with mentally disturbed prisoners than male officers. That gets down to a specific type of mental disturbance.

But, if you have a person very mentally disturbed, particularly toward women, in his relationship to women, and has assaulted women, like we have had here, with a very heinous type offender who is against women, if we ever placed that man in a position where he would get at a woman, it would be very difficult for us to continue our program or very difficult to justify our placement of this man, where we know his background and his relationship with women.

And, to place him in a position where he could assault a woman, I think, would be negligence on our part.

Q So, your solution to that would be not to abolish the program of using women but to isolate him from the rest of the prisoners?

A That's right.

Q One last question: I believe that you said in cross examination that your opinions expressed about women were not based just on your experience here at the Metropolitan Correctional facility, but also your knowledge of experience in other federal facilities.

A Of my contemporaries, yes.

Q Could you tell me which facilities?

A Metropolitan Correctional Center in San Diego and Metropolitan Correctional Center in New York City.

I specifically, about a month or so ago, called the Wardens and asked them their reaction and experience, and they all

said it was very positive and they experienced the same thing I had and they had no untoward incidents to reconsider their position on it, that they had many positive influences.

Q So far as you know, there have not been any negative experiences with respect to the utilization of women within the federal system?

A To my knowledge, there have not been.

MS. HOROWITZ: I have nothing further.

EXAMINATION

BY MR. NEWMAN:

Q Are these other two institutions similar to yours?

A Yes, they are.

Q Set up about the same way?

A Yes, they are all urban high rises and have the same function.

Q Same type inmates?

A Yes.

Q Ms. Horowitz stated that if you segregate those that have a sexual, violent propensity toward women that it might possibly be — women might possibly satisfactorily work out in a male institution.

Let's put this the other way around: Here you have an inmate that has not shown any propensity toward sexual violence or violence toward a male guard. Now, wouldn't it be kind of unfair to inject a female into his life and then have to take him out and put him into an isolation unit? Wouldn't that be unfair to him?

A You mean unfair to the inmate?

Q Yes.

A No. Every person has an obligation to treat a fellow man civilly and without violence, and the fact that a male inmate is confronted by a women and assaults her, I don't think that is unfair to him. I think he has that obligation.

Q Considering he is doing a good job in all other things, his work record is real good, he is getting along real well in the prison with male guards?

A Sure. The man is theoretically going to be released some day.

Q Would it be your testimony that until a prison system has an effective classification system that you would not advise the use of female guards in male institutions?

A I would prefer to say I have some reservations about the utilization of women officers in a correctional institution that does not have a fairly effective classification system, yes.

Q There has been testimony in this case so far that — and, of course, there's been a court decision that said four major institutions in Alabama are woefully understaffed; in fact, they are grossly understaffed.

The four major institutions in the State of Alabama are primarily dormitory arrangements, large open dormitory arrangements, where you have got the front, then you have the back, the back being the dormitories, the front being the offices.

Now, correct me if I am wrong, Pam, but, in your question to Mr. Nelson, you stated that there are positions that women can handle, possibly handle, in this type of situation; in other words, separate certain jobs by male and female.

What I am getting at, when you are woefully understaffed — and I use "woefully" because that is the way the court used it — you've got your dormitories, your open dormitories, and that's where you need your guards, in the open dormitories, to try to cut out of this violence.

Would you suggest that the State, when they start being able to start hiring guards, when they have the funds to start hiring guards, start hiring women or start hiring men guards to go back there in the back of the dormitories, the overcrowded dormitories with the open facilities, bathroom facili-

ties, the communal showers, communal bathroom facilities?

I mean, doesn't the restricting of the female guards from going back in these dormitories and conducting strip searches — it seems like you are taking out a lot of things that guards need to be doing.

A I would have a difficult time answering that question concretely.

As you set up the program as you described, it would sound very unadvisable to use female officers in that setting.

If you are setting up a situation of trying to normalize or reform the prisons that you have set up, then you may want to introduce women.

But, I can't sit up here, a thousand miles away, and project what you would want to do or could do in Alabama. I can really only get direct answers on my own experience in a very ideal setting.

MR. NEWMAN: That's all the questions I have.

MS. HOROWITZ: Mr. Nelson, do you wish to waive your signature to this deposition?

THE WITNESS: No, I do not wish to waive it.

FURTHER DEPONENT SAITH NOT.

[Dep 75 to 76]

Caption omitted*

ANSWER OF DEFENDANTS
ALABAMA BOARD OF CORRECTIONS,
THOMAS F. STATON, REV. J. VICKERS,
THOMAS F. BRADFORD, MARION CARROLL, JR., AND
JUDSON LOCKE

For answer to the complaint, as amended, the above defendants say as follows:

1. Defendants deny that jurisdictional allegations contained in Section II of the complaint, as amended.

2. Defendants deny the class action allegations contained in Section III of the complaint, as amended.

3. Defendants admit the allegations contained in Paragraphs 1 and 2 of Section IV A. (Parties, Plaintiffs) of the complaint, as amended.

4. Defendants admit the allegations contained in Paragraphs 2, 3, and 4 of Section IV B. (Parties, Defendants) of the complaint, as amended, except that as of the date of this answer Defendant Bradford is no longer a member of the Alabama Board of Corrections.

As to the remaining allegations contained in Section IV B. (Parties, Defendants) of the complaint as amended, these defendants have insufficient information to either admit or deny, therefore, all remaining allegations in Section IV B. are denied.

5. Defendants have insufficient knowledge or information to either admit or deny the allegations contained in Section V A., (Facts, Plaintiff Mieth) of the complaint, as amended, therefore, they are denied.

6. Defendants admit the allegations contained in the paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9 of Section V B. (Facts, Plaintiff Rawlinson) of the complaint, as amended.

Defendants deny paragraph 10 and 11 of Section V B. of the complaint as amended in their entirety.

7. Defendants admit paragraphs 1 and 2 of Section VI (First Cause of Action) of the complaint, as amended. Defendants deny each and every other material allegation contained in Section VI of the complaint as amended.

8. Defendants deny each and every material allegation contained in Section VII, (Second Cause of Action) of the complaint, as amended, heretofore not previously admitted.

9. Defendants deny each and every material allegation contained in Section VIII (Third Cause of Action), IX (Fourth Cause of Action), and X (Fifth Cause of Action) of the complaint, as amended.

AFFIRMATIVE DEFENSES

AND NOW, HAVING FULLY ANSWERED the allegations of the complaint, as amended, these defendants hereby give notice that at, or prior to, the trial of this cause, they will assert the following affirmative matters:

1.

That there is a bona fide occupational qualification as to women being employed in a contact position as a Correctional Counselor and/or Officer in an all male institution in the Alabama Prison System that is reasonably necessary in the normal operation of the Alabama Prison System.

2.

That there is reasonable cause to believe, that is, a factual basis for believing, that all or substantially all women would be unable to perform safely and efficiently the duties of the job involved.

3.

Notwithstanding anything set forth hereinabove, by way of allegation, averment, answer or denial, these defendants expressly deny any and all allegations of whatever sort or nature of the complaint and/or any of the causes of action, if any, stated in the complaint, which, if proved, may in any way be construed to impose liability upon these defendants to plaintiff, or to any other party in this action.

Respectfully submitted,
WILLIAM J. BAXLEY
BY:

250 Administrative Bldg.
Montgomery, Ala. 36104
LARRY R. NEWMAN
ASSISTANT ATTORNEY GENERAL
101 S. Union Street
Montgomery, Ala. 36130

DAVID G. FLACK
ATTORNEY FOR THE BOARD
OF CORRECTIONS
*Certificate of Service Omitted
Caption Omitted

OFFER OF EVIDENCE

Comes now the Defendant, Board of Corrections and offers the following evidence in the above styled cause:

1. Deposition of Tony Sewell
2. Deposition of Bill Gilmore
3. Deposition of Judson C. Locke
4. Deposition of Ray Nelson

RESPECTFULLY SUBMITTED,
WILLIAM J. BAXLEY
ATTORNEY GENERAL
BY:
LARRY R. NEWMAN
ASSISTANT GENERAL GENERAL
COUNSEL FOR DEFENDANTS
*Certificate of Service Omitted
Caption Omitted

PLAINTIFFS' OFFER OF EVIDENCE

Plaintiffs offer into evidence the following:

1. Plaintiffs Interrogatories of February 3, 1976, to Defendants E. C. Dothard and Stanley Frazer and their Answers dated February 19, 1976. (Exhibit 1)

2. The following document provided by Defendants E. C. Dothard and Stanley Frazer in response to plaintiffs' Request for Production of Documents of February 3, 1976:

   a. Announcement of Continuous Merit Examination for the position of State Trooper. No. 7221 (Exhibit 2)

3. Plaintiffs' Interrogatories to Defendants Judson C.

Locke and Stanley Frazer of February 3, 1976 and their Answers dated February 17, 1976. (Exhibit 3)

4. The following documents provided by Defendants Judson Locke and Stanley Frazer in response to Plaintiffs' Request for Production of Documents of February 3, 1976:

a. Correctional Counselor Trainee job description. (Exhibit 4)

b. Correctional Counselor I job description. (Exhibit 5)

c. Correctional Officer job description. (Exhibit 6)

d. Correctional Officer I (Female) job description. (Exhibit 7)

e. Administrative Regulation Number 204 of the Board of Corrections (Exhibit 8)

f. Syllabus for the Correctional Curriculum of the 240 hours of Minimum Standards Training as required by Alabama Act No. 1981 (Reg. Session 1971). (Exhibit 9)

g. Syllabus for the General Law Enforcement Curriculum of the 240 hours of Minimum Standards Training as required by Alabama Act No. 1981 (Reg. Session 1971). (Exhibit 10)

5. Deposition of Robert Sarver taken on February 16, 1976. (Exhibit 11)

6. Deposition of Peter Bloch taken on February 23, 1976 and exhibits attached thereto. (Exhibit 12)

7. Deposition of Thomas White taken on February 23, 1976 and exhibits attached thereto. (Exhibit 13)

8. Deposition of E. C. Dothard taken on March 3, 1976 and exhibits attached thereto. (Exhibit 14)

9. Deposition of Judson C. Locke taken on March 3, 1976 and exhibits attached thereto. (Exhibit 15)

10. Deposition of James C. Jackson taken on March 3, 1976 and exhibits attached thereto. (Exhibit 16)

11. Deposition of Diane K. Rawlinson taken on March 8, 1976 and exhibits attached thereto. (Exhibit 17)

12. Deposition of Brenda M. Mieth taken on March 8, 1976 and exhibits attached thereto. (Exhibit 18)

13. Deposition of Ray Nelson taken on March 19, 1976. (Exhibit 19)

14. Deposition of Richard Lyles taken on March 22, 1976 and exhibits attached thereto. (Exhibit 20)

15. Right-to-sue letter issued by the United States Dept. of Justice to Diane K. Rawlinson. (Exhibit 21) (See Attachment A)

16. Affidavit of Brenda M. Mieth dated March 30, 1976. (Exhibit 22) (See Attachment B)

17. Affidavit of Diane K. Rawlinson dated March 31, 1976. (Exhibit 23) (See attachment C)

Respectfully submitted,

JOHN L. CARROLL
PAMELA S. HOROWITZ
JOSEPH J. LEVIN, JR.
MORRIS S. DEES
1001 S. Hull Street
Montgomery, AL 36104
ATTORNEYS FOR PLAINTIFFS

*Certificate of Service Omitted

UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20530
NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

JSP:HAG:ljt
AIR MAIL
Ms. Dianne K. Rawlinson
c/o John L. Carroll, Esquire
Staff Attorney
Southern Poverty Law Center
1001 South Hull Street
Montgomery, Alabama 36101

Re: EEOC Charge Against State of Alabama
(Personnel Department)
NO. TB15-0530

Dear Ms. Rawlinson:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over the charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seg., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this notice.

Your attorney may inspect the investigative file pertaining to the case at a time and place convenient to the parties. That file is located in the EEOC District Office, 2121 8th Avenue, North, Birmingham, Alabama 35203.

We request that you send this Department a copy of any

complaint initiating suit.

This Notice should not be taken to mean that an agency of the United States has made a judgment as to whether or not your charge is meritorious.

Sincerely,
J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division
By:
HERBERT A. COLDENMUTH, JR.
Attorney
Employment Section

cc. Ms. Evelyn Palkowski
District Director
Birmingham District Office
Equal Employment Opportunity
Commission
2121 8th Avenue, North
Birmingham, Alabama 35203

Caption omitted

AFFIDAVIT OF BRENDA M. MIETH

My name is Brenda M. Mieth. I am a resident of the State of Alabama and over the age of 21. Since my application for employment with the Alabama Department of Public Safety was rejected, I have sought employment with several other law enforcement agencies, among them the Prince William County, Virginia, Police Department, the Prince George's County, Maryland, Police Department and the Maryland State Police. Although I have applied with these agencies, I have not yet been employed by any of them. I have also contacted the Mobile, Alabama, Police Department and they indicated that they were not interested in my application. Since the first of March, I have been employed by Phillipsborn, Inc., of Forestville, Maryland. I am utilized in a security position and I make $3.00 per hour. This particular job is my first employment since my rejection by the Alabama Department of Public Safety.

STATE OF ALABAMA)
MONTGOMERY COUNTY)

Before me, a Notary Public in and for the State of Alabama at large, personally appeared Brenda M. Mieth, who, being duly sworn, deposes and says that she has read the foregoing affidavit and it is true and correct, to the best of her information, knowledge and belief.

BRENDA M. MIETH

SWORN TO AND SUBSCRIBED before me
on this 30th day of March, 1976.

Jackie Alexander
Notary Public

Caption omitted

AFFIDAVIT OF DIANE K. RAWLINSON

My name is Diane K. Rawlinson. I am a resident of the State of Alabama and over the age of 21. My application for employment with the Board of Corrections was rejected in October of 1974. In December of 1974, I received my degree in Correctional Psychology from the University of Alabama. From December of 1974 to February of 1975, I was employed by the Pizza Hut in Tuscaloosa, Alabama, making $1.50 per hour. From February of 1975 to July of 1975, I was employed as a clerk at Adrian's, dress shop in Tuscaloosa. I made $2.10 per hour there. From July 1975 to March 15, 1976, I was employed as a shampooer at the Kut Above which is a hair cutting salon in Montgomery at $100.00 per week. For the past week and a half, I have been employed by the Department of Youth Services at their D & E Center as a student aid.

STATE OF ALABAMA)
MONTGOMERY COUNTY)

Before me, a Notary Public in and for the State of Alabama at large, personally appeared Diane K. Rawlinson, who, being duly sworn, deposes and says that she has read the foregoing affidavit and it is true and correct, to the best of her information, knowledge and belief.

DIANE K. RAWLINSON

SWORN TO AND SUBSCRIBED before me
on this 31st. day of March, 1976.

Jackie Alexander
Notary Public

Caption omitted

PLAINTIFF'S MOTION FOR JUDICIAL NOTICE

Plaintiffs move this Court in its consideration of this case to take judicial notice of the following:

1. 1970 Census. General Social and Economic Characteristics, Alabama. Table 46. (Attached as Exhibit A)
2. Alabama Act No. 1981 (Reg. Sess. 1971). (Attached as Exhibit B)

Respectively submitted.

JOHN L. CARROLL
PAMELA S. HOROWITZ
JOSEPH J. LEVIN, JR.
MORRIS S. DEES
1001 S. Hull Street
Montgomery, AL 36104
ATTORNEYS FOR PLAINTIFFS

Certificate of Service omitted

Table 46. Educational Attainment and Labor Force Characteristics by Race: 1970 and 1960.

(Data based on sample, see text. For minimum base for derrived figures (percent, median, etc.) and meaning of symbols see text)

The State	1970			Percent			1960			Percent		
	Total	White	Negro and other races	Total	White	Negro and other races	Total	White	Negro and other races	Total	White	Negro and other races
HOURS OF SCHOOL COMPLETED												
Total persons, 25 years old and over	1 808 798	1 399 206	409 592	100.0	100.0	100.0	1 669 871	1 232 258	437 613	100.0	100.0	100.0
No. school years completed	43 786	17 906	25 880	2.4	1.3	6.3	58 630	20 008	38 567	3.5	1.6	8.8
Elementary: 1 to 4 years	150 178	71 128	79 050	8.3	5.1	19.3	214 331	95 288	119 043	12.8	7.7	24.2
5 and 6 years	193 048	126 377	66 671	10.7	9.0	16.3	230 855	147 015	83 837	13.8	11.9	19.2
7 years	118 294	88 809	29 485	6.5	6.3	7.2	139 602	103 773	35 829	8.4	8.4	8.2
8 years	160 414	125 674	34 740	8.9	9.0	8.5	180 223	140 838	39 385	10.8	11.4	9.2
High school: 1 to 3 years	396 536	311 189	85 397	21.9	22.2	20.8	339 723	274 920	64 803	20.3	22.3	14.8
4 years	468-269	410 306	57 963	25.9	29.3	14.2	310 175	276 526	33 649	18.6	22.4	7.2
College: 1 to 3 years	136 287	122 714	13 573	7.5	8.8	3.3	101 201	91 522	9 679	6.1	7.4	2.2
4 years	92 949	81 758	11 190	5.1	5.8	2.7	65 221	55 798	9 423	3.9	4.5	2.2
5 years or more	48 988	43 345	5 643	2.7	3.1	1.4	29 910	26 512	3 398	1.8	2.2	0.8
Median school years completed	10.8	11.6	8.1	—	—	—	9.1	10.2	6.5	—	—	—
EMPLOYMENT STATUS												
Male, 14 years old and over	1 160 582	907 004	273 578	100.0	100.0	100.0	1 059 609	780 009	279 600	100.0	100.0	100.0
Labor force	815 543	656 342	159 201	69.1	72.4	58.2	779 335	591 537	187 818	73.6	75.8	67.2
Armed Forces	30 718	27 566	3,152	2.6	3.0	1.2	21 169	19 903	1 266	2.0	2.6	0.5
Civilian labor force	784 825	628 776	156 049	66.5	69.3	57.0	758 186	571 634	186 552	71.6	73.3	66.7
Employed	756 183	609 131	147 052	64.1	67.2	53.8	715 747	545 745	170 002	67.5	70.0	60.8
Unemployed	28 642	19 645	8 997	2.4	2.2	3.3	42 439	25 889	16 550	4.0	3.3	5.9
Not in labor force	365 039	250 662	114 377	30.9	27.6	41.8	280 472	188 472	91 782	26.4	24.2	32.7
Female, 14 years old and over	1 316 403	985 690	332 713	100.0	100.0	100.0	1 157 899	828 533	329 366	100.0	100.0	100.0
Labor force	476 903	353 758	123 045	36.2	35.9	37.0	373 381	249 753	123 628	32.2	30.1	37.5
Employed	445 766	334-828	110 938	33.8	34.0	33.3	350 150	236 077	114 073	30.2	28.5	34.6
Unemployed	28 417	16 926	11 491	2.2	1.7	3.5	21 639	12 251	9 388	1.9	1.5	2.9
Not in labor force	841 600	631 932	209 668	63 8	64 1	63.0	784 518	578 780	205 738	67.8	69.9	62.5
LABOR FORCE PARTICIPATING BY AGE												
Male: 14 and 15 years	7 131	5 338	1 793	9.2	10.2	7.1	7 876	4 927	2 949	12.7	11.9	14.2
16 and 17 years	20 429	15 772	4 657	26.2	32.3	19.8	19 706	13 602	6 104	31.7	33.4	30.3
18 and 19 years	33 537	25 240	8 297	54.2	57.2	46.7	27 629	19 352	8 277	58.9	60.6	55.2
20 to 24 years	104 558	83 573	20 985	80.9	82.6	74.5	83 562	61 295	22 267	84.5	85.9	80.8
25 to 34 years	183 648	152 126	31 522	93.8	95.1	85.3	177 097	139 094	38 003	93.5	95.2	87.7
35 to 44 years	169 621	138 708	30 913	93.0	94.4	87.2	179 926	141 640	38 286	93.8	95.1	89.1
45 to 64 years	267 284	213 184	54 100	82.2	83.9	76.3	251 315	189 506	61 809	85.8	87.2	81.7
65 years and over	29 335	22 401	6 934	21.6	22.6	18.9	32 244	22 121	10 123	28.0	27.4	29.6
Female: 14 and 15 years	2 730	1 926	804	3.7	3.9	3.2	2 717	1 542	1 175	4.5	4.0	5.7
16 and 17 years	8 207	6 288	1 919	11.8	13.6	8.3	8 445	5 662	2 786	14.0	14.0	14.0
18 and 19 years	22 062	16 931	5 131	34.6	37.9	26.7	17 702	13 007	4 695	35.4	38.4	29.0
20 to 24 years	71 244	54 328	16 916	50.3	50.7	49.1	44 483	31 149	13 334	41.4	40.9	42.7
25 to 34 years	95 878	71 961	26 917	46.7	43.5	58.0	79 485	52 867	26 618	37.8	34.3	47.5
35 to 44 years	102 749	76 038	26 711	51.1	49.4	56.8	91 690	61 785	29 905	43.4	39.7	53.8
45 to 64 years	155 863	115 833	40 030	42.6	41.6	45.7	117 608	77 034	40 574	37.1	33.7	45.8
65 years and over	15 070	10 453	4 617	7.9	7.4	9.3	11 248	6 707	4 541	7.9	6.9	11.0

WEEKS WORKED												
Total persons, 14 years and over	2 498 965	1 892 694	606 291	100.0	100.0	100.0	2 217 508	1 668 542	608 966	100.0	100.0	100.0
Worked in previous year	1 435 915	1 120 814	315 101	57.5	59.2	52.0	1 277 720	924 283	353 437	57.6	57.5	58.0
50 to 52 weeks	851 324	697 528	153 796	34.1	36.9	25.4	679 245	529 919	149 326	30.6	32.9	24.5
48 and 49 weeks	76 473	53 140	23 333	3.1	2.8	3.8	65 485	44 242	21 243	3.0	2.8	3.5
40 to 47 weeks	112 064	79 073	32 991	4.5	4.2	5.4	116 295	77 131	39 164	5.2	4.8	6.4
27 to 39 weeks	128 312	93 163	35 149	5.1	4.9	5.8	150 449	98 888	51 561	6.8	6.1	8.5
14 to 26 weeks	111 548	84 845	26 703	4.5	4.5	4.4	118 909	77 361	41 539	5.4	4.8	6.8
25 weeks or less	156 194	113 065	43 129	6.3	6.0	7.1	147 346	96 742	50 604	6.6	6.0	8.3
Did not work in previous year	1 063 670	771 880	291 190	42.5	40.8	48.0	939 788	684 259	255 529	42.4	42.5	42.0
MAJOR OCCUPATION GROUP												
Male employed, 14 years old and over	756 183	609 131	147 052	100.0	100.0	100.0	795 747	(NA)	(NA)	100.0	(NA)	(NA)
Professional, technical, & kindred workers	79 019	73 762	5 257	10.4	12.1	3.6	52 204	(NA)	(NA)	7.3	(NA)	(NA)
Managers & administrators, except farm	74 192	71 228	2 964	9.8	11.7	2.0	70 620	(NA)	(NA)	9.9	(NA)	(NA)
Sales workers	46 708	45 207	1 501	6.2	7.4	1.0	42 439	(NA)	(NA)	5.9	(NA)	(NA)
Clerical and kindred workers	43 902	38 772	5 130	5.8	6.4	3.5	36 752	(NA)	(NA)	5.1	(NA)	(NA)
Craftsmen, foremen, and kindred workers	163 670	144 711	18 959	21.6	23.8	12.9	139 757	(NA)	(NA)	19.5	(NA)	(NA)
Operatives, except transport	113 677	85 032	28 645	15.0	14.0	19.5	101 596	(NA)	(NA)	14.2	(NA)	(NA)
Transport equipment operatives	50 229	36 050	14 179	6.6	5.9	9.6	49 691	(NA)	(NA)	6.9	(NA)	(NA)
Laborers, except farm	63 634	33 001	30 633	8.4	5.4	20.8	76 377	(NA)	(NA)	10.7	(NA)	(NA)
Farmers and farm managers	17 957	15 453	2 504	2.4	2.5	1.7	57 491	(NA)	(NA)	8.0	(NA)	(NA)
Farm laborers and foremen	14 574	8 168	6 466	1.9	1.3	4.4	31 620	(NA)	(NA)	4.4	(NA)	(NA)
Service workers, except private household	46 818	28 735	18 081	6.2	4.7	12.3	38 656	(NA)	(NA)	5.4	(NA)	(NA)
Private household workers	1 192	188	1 004	0.2	—	0.7	1 365	(NA)	(NA)	0.2	(NA)	(NA)
Occupation not reported	40 613	28 884	11 729	5.4	4.7	8.0	17 179	(NA)	(NA)	2.4	(NA)	(NA)
Female employed, 14 years old and over	445 766	334 828	110 930	100.0	100.0	100.0	350 150	(NA)	(NA)	100.0	(NA)	(NA)
Professional, technical & kindred workers	62 781	50 040	12 741	14.1	14.9	11.5	41 417	(NA)	(NA)	11.8	(NA)	(NA)
Managers & administrators, except farm	16 143	15 005	1 138	3.6	4.5	1.0	13 868	(NA)	(NA)	4.0	(NA)	(NA)
Sales workers	27 843	25 955	1 888	6.2	7.8	1.7	25 220	(NA)	(NA)	7.2	(NA)	(NA)
Clerical and kindred workers	115 772	108 154	7 618	26.0	32.3	6.9	74 167	(NA)	(NA)	21.2	(NA)	(NA)
Craftsmen, foremen, and kindred workers	8 445	7 113	1 332	1.9	2.1	1.2	3 664	(NA)	(NA)	1.0	(NA)	(NA)
Operatives, except transport	76 302	60 342	15 960	17.1	18.0	14.4	54 972	(NA)	(NA)	15.7	(NA)	(NA)
Transport equipment operatives	1 973	1 556	417	0.4	0.5	0.4	626	(NA)	(NA)	0.2	(NA)	(NA)
Laborers, except farm	4 691	3 074	1 617	1.1	0.9	1.5	2 710	(NA)	(NA)	0.8	(NA)	(NA)
Farmers and farm managers	1 223	1 041	182	0.3	0.3	0.2	3 565	(NA)	(NA)	1.0	(NA)	(NA)
Farm laborers and foremen	2 515	1 508	1 007	0.6	0.5	0.9	5 172	(NA)	(NA)	1.5	(NA)	(NA)
Service workers, except private household	64 115	37 898	26 217	14.4	11.3	23.6	47 317	(NA)	(NA)	13.5	(NA)	(NA)
Private household workers	37 890	5 045	32 845	8.5	1.5	29.6	65 812	(NA)	(NA)	18.8	(NA)	(NA)
Occupation not reported	26 072	18 097	7 976	5.8	5.4	7.2	11 639	(NA)	(NA)	3.3	(NA)	(NA)

EXHIBIT "B"

Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Regular Session, 1971)

Act No. 1981 H. 732—Hobbie, Culver, Downing, Bank, Robertson, Parker (T), Taylor, Harris, Jones (F), Jackson, Straiton, Headley, Ellis, Stubbs, Stewart, Perloff, Collins, Wood, Roberts, Stokes, Lang, Hearn, Waldrop, Timmons, Wallace, Jones (E), Bowers, Boles, Burgess, Falkenburg, Flippo, Hill, Doss, McBride, Weeks, Boutwell, Callahan

AN ACT

To establish the Alabama Peace Officers Standards and Training Commission; to prescribe its functions, duties and powers relating to the selection, recruitment and training of law enforcement officers and the work of law enforcement agencies in the State; to prescribe minimum standards for law enforcement officers; to grant to the Commission power to establish standards and issue and promulgate rules and regulations; to make the violation of certain provisions of this Act or the standards, rules and regulations of the Commission a misdemeanor; to establish the Alabama Peace Officers Standards and Training Commission Fund to make biennial appropriations from such Fund to the Commission for the fiscal years 1971-72 and 1972-73; to authorize patri-

cipation in the program of the Commission by State, county and municipal law enforcement agencies.

Be It Enacted by the Legislature of Alabama:

Section 1. Definition of Terms. As used in this Act, the following words and phrases shall have the following meanings respectively unless the context clearly indicates the contrary:

"Fund" means the Alabama Peace Officers Standards and Training Fund provided for in Section 9 of this Act.

"Commission" means the Alabama Peace Officers Standards and Training Fund established by this Act.

"Law Enforcement Agency" means and includes the State Department of Public Safety, the police department of each incorporated city or town, the department of each sheriff of the State, including all deputy sheriffs, the enforcement division of the State Department of Conservation and each public agency in the State charged with the enforcement of any laws and the officers or employees of which have power as such officials or employees to make arrests. It does not include the National Guard or any military organization.

"Law Enforcement Officer" means and includes a policeman, deputy sheriff, deputy constable, and other official who has authority as such official to make arrests. It includes Alabama State troopers or members of the State Department of Public Safety.

"State" means the State of Alabama.

Section 2. The Commission Created; Membership. The Alabama Peace Officers Standards and Training Commission is hereby created. The Commission shall consist of seven members, each of whom must be a qualified elector of the State who is over the age of 21 years. The State Fraternal Order of Police shall designate one member of the Commission to serve for a term of four years; the Alabama Peace Officers Association shall designate one member to serve for

a term of four years; the Law Enforcement Planning Association shall designate one member to serve for a term of four years; and the Governor shall designate four members of the Commission. The members appointed by the Governor shall each serve for terms of four years; provided that the members first appointed by the Governor shall serve for terms of one, two, three and four years, respectively, as the Governor shall designate. The members may adopt by-laws to govern the organization of the Commission, its meetings and activities, provided that the by-laws shall not conflict with this Act.

Section 3. Officers and Employees of the Commission. The Commission shall elect a Chairman and a Vice Chairman from among its members. The Commission may employ an Executive Secretary and such clerical assistants as it functions and duties may require, subject to the provisions of the State Merit System Act.

Section 4. Meetings of the Commission; Seal. The Commission shall meet in regular session quarterly at a time and place in the State of Alabama to be designated in its by-laws. Special meetings may be called by the Chairman, the Vice Chairman or any three members by giving notice of the time, place and purposes of such special meeting at least five days before it is to be held, to each member of the Commission. Such notice may be waived by all members of the Commission, either before or after a special meeting. The Commission shall adopt an official seal and the Executive Secretary shall be custodian of the seal and shall have authority to affix the seal to agreements and obligations of the Commission and to certified copies of proceedings of the Commission.

Section 5. Expenses of Members of Commission. Members of the Commission shall receive no compensation but may be reimbursed for their actual and necessary travel and other expenses incurred in the performance of their duties

but reimbursement for expenses shall not exceed $30 per day for each member.

Section 6. Functions and Duties of the Commission. The Commission shall have the following functions and duties together with all powers necessary or convenient for the performance thereof:

(a) To study, obtain data, statistics, and information and make reports concerning the recruitment, selection and training of law enforcement officers in the State; to make recommendations for improvement in methods of recruitment, selection and training of law enforcement officers;

(b) To review from time to time the minimum standards hereinafter described for applicants for and appointees as law enforcement officers;

(c) To consider, hold public hearings on, adopt and promulgate such standards relating to the physical, mental and moral fitness of any applicant for or appointee as a law enforcement officer as do not lower the minimum standards hereinafter in Section 7 provided or as otherwise permitted by Section 7 of this Act;

(d) To study, consider, and to make reports from time to time concerning the work and curriculum of, and the courses offered by, law enforcement training schools in the State and shall make recommendations for improving such schools, curricula, and courses;

(e) To encourage the establishment of law enforcement training schools and courses on law enforcement in existing institutions of learning;

(f) To gather statistics and data and make reports concerning the activities of the law enforcement agencies in the State and their accomplishments;

(g) To consider, study and make recommendations concerning methods of improving the organization and operation of law enforcement agencies in the State and cooperative

arrangements and agreements which might be effected between such agencies;

(h) To make investigation to determine whether the requirements of this Act and the rules, regulations and standards of the Commission issued pursuant to this Act are being observed and followed;

(i) To recommend to the Attorney General, the District Attorneys and other appropriate officials measures for the enforcement of the requirements of this Act and the rules, regulations and standards issued by the Commission pursuant to this Act;

(j) To enter into cooperative agreements with State and local law enforcement agencies for the effective coordination of law enforcement work in the State; and

(k) To obtain the services and advice of experts in the field of law enforcement for the purpose of aiding the Commission in its studies, consideration, reports and recommendations, and the adoption of standards, rules and regulations.

Section 7. Minimum Standards. The minimum standards hereafter in this section provided shall apply to applicants and appointees as law enforcement officers who are not law enforcement officers in the State on the effective date of this Act and to applicants and appointees who, though law enforcement officers on the effective date of this Act, cease to be law enforcement officers before making application for employment as a law enforcement officer or being employed as a law enforcement officer. No city, town, county, sheriff, constable or other employer shall employ any such applicant who is not on the effective date of this Act a law enforcement officer and who continues until the date of his application as a law enforcement officer unless such person shall have first submitted to the appointing authority an application for such employment verified by affidavit of the applicant, and showing compliance with the following qualifi-

cations:

(a) Age. The applicant shall be not less than 21 nor more than 45 years of age at the time of appointment; provided, however, that for the purpose of calculating his age under this Act, the time spent by any applicant on active duty in the Armed Forces of the United States of America, not exceeding four years, shall be substracted from the actual age of such applicant who has attained the age of 40 years.

(b) Education. The applicant shall be a graduate of a high school accredited with or approved by the State Department of Education or shall be the holder of a certificate of high school equivalency issued by General Educational Development.

(c) Police Training. Prior to appointment, the applicant shall have completed at least 240 hours of formal police training in a recognized police training school, which shall include the Federal Bureau of Investigation Police Training Academy, or another training school approved by the Commission; provided, that an applicant may be provisionally appointed without having completed the police training herein prescribed subject to the condition that he shall complete such training within 90 days after provisional appointment and should he fail to complete such training, his appointment shall be null and void.

(d) Physical Qualifications. The applicant shall be not less than five feet two inches nor more than six feet ten inches in height, shall weigh not less than 120 pounds nor more than 300 pounds and shall be certified by a licensed physician designated as satisfactory by the appointing authority as in good health and physically fit for the performance of his duties as a law enforcement officer. The Commission may for good cause shown permit variances from the physical qualifications prescribed in this subsection (d).

(e) Character. The applicant shall be a person of good

moral character and reputation. His application shall show that he has never been convicted of a felony or a misdemeanor involving either force, violence or moral turpitude, and shall be accompanied by letters from three qualified voters of the area in which the applicant proposes to serve as a law enforcement officer attesting his good reputation.

The foregoing requirements shall not apply to any person who is presently employed as a law enforcement officer in the State and who continues to be so employed when he makes application for or is employed as a law enforcement officer in a different capacity or for a different employer.

Section 8. Penalties. Any person who shall appoint any applicant who, to the knowledge of the appointor, fails to meet the qualifications as a law enforcement officer provided in Section 7 of this Act, or the standards, rules and regulations issued by the Commission under this Act, and any person who signs the warrant or check for the payment of the salary of any person who, to the knowledge of the signer, fails to meet the qualifications as a law enforcement officer provided in Section 7 of this Act, or any standard, rule or regulation issued pursuant to this Act shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not exceeding $1,000.

Section 9. The Fund; Acceptance of Grants and Appropriations. There is hereby established and created in the Treasury of the State the Alabama Peace Officers Standards and Training Fund. The Commission may accept grants from the Federal government, its departments and agencies as well as grants and appropriations by the State, any county or municipality, or any individual, corporation or fund. All grants and appropriations to the State for work within the functions and duties of the Commission and all grants and appropriations to the Commission shall be paid into the Fund.

Section 10. Municipalities and Counties Authorized to

Make Appropriations and Grants to the Fund. The governing body of each incorporated city or town and the governing body of each county of the State is hereby authorized to appropriate any funds not otherwise appropriated to or for the benefit of the Commission and its work. All such appropriations shall be paid into the Fund.

Section 11. Law Enforcement Agencies Authorized to Make Agreements. Each Law Enforcement Agency in the State is hereby authorized to make agreements and arrangements for cooperation and mutual assistance in law enforcement work, with the Commission and with each other.

Section 12. Appropriation. There is hereby appropriated from any moneys in the Fund for the fiscal year October 1, 1971 - September 30, 1972, the sum of $..... and for the fiscal year October 1, 1972 - September 30, 1973 the sum of $....., to pay the expenses of the Commission in the performance of its functions and duties as well as the salaries and expenses of its personnel, office rent, stationery and supplies and the cost of acquiring by purchase or lease the necessary equipment.

Section 13. Severability Provisions. The provisions of this Act are severable. If any clause, provision or section is declared invalid or unenforceable, such declaration shall not affect the remaining portions of this act.

Section 14. Effective Date. This Act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved September 20, 1971.

Time: 2:03 P.M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 17th day of November, 1971.

JOHN W. PEMBERTON
Clerk of the House

Caption Omitted

AMENDED OFFER OF EVIDENCE

Come now the plaintiffs in the above-styled cause and amend their offer of Evidence of April 1, 1976, by offering the following document:

18. Letter from Abner W. Sibal, General Counsel, Equal Employment Opportunity Commission, to Ms. Pamela S. Horowitz, Staff Attorney, Southern Poverty Law Center, dated March 31, 1976.
(Exhibit 24) (Attachment A)

The plaintiffs have already entered into evidence, as Exhibit 8, a document entitled "Administrative Regulation 204 of the Board of Corrections." That administrative regulation incorporates a letter from Mr. Abner Sibal, General Counsel of the Equal Employment Opportunity Commission, dated December 18, 1975, to the Defendant Judson Locke. Both the regulation and the letter were provided by defendants in response to plaintiffs' request for production of documents.

On February 18, 1976, plaintiffs' counsel wrote to Mr. Sibal seeking a clarification of certain points contained in his letter. Mr. Sibal did not respond until March 31, 1976, when he sent plaintiffs' counsel the letter, which is attached hereto, indicating that he wished to correct an important error contained in his December 18, 1975 letter to Defendant Locke.

In Mr. Sibal's letter of March 31, 1976, he corrects his letter of December 18, 1975 to read:

> It is suggested that the State of Alabama, wherever possible, continue to employ male correctional personnel at all-female correctional institutions *and female correctional personnel at all-male correctional institutions.*

This language materially alters the language of his original

letter wherein he referenced only the use of males in all-female correctional institutions.

Plaintiffs were not aware of this error in Mr. Sibal's letter of December 18, 1975, until April 5, 1976, when their counsel received his letter of March 31, 1976. They were thus unable to include it in their offer of evidence of April 1, 1976.

Respectfully submitted,
JOHN L. CARROLL
PAMELA S. HOROWITZ
JOSEPH J. LEVIN, JR.
MORRIS S. DEES
1001 S. Hull Street
Montgomery, AL 36104
ATTORNEYS FOR PLAINTIFFS

* Certificate of Service Omitted.

Exhibit 24

March 31, 1976

Pamela S. Horowitz, Esquire
The Southern Poverty Law Center
1001 South Hull Street
Montgomery, Alabama 36101

Dear Ms. Horowitz:

This is in reply to your letter dated February 18, 1976, in which you offer several observations regarding a December 18, 1975, letter sent by this office to Mr. J. C. Locke, Jr., Commissioner of the Board of Corrections of the State of Alabama. Please be advised that through an oversight a segment was inadvertently omitted from the following sentence:

> It is suggested that the State of Alabama, wherever possible, continue to employ male correctional personnel at all-female correctional institutions.

This sentence was intended to have read:

> It is suggested that the State of Alabama, whenever possible, continue to employ male correctional personnel at all-female correctional institutions and female correctional personnel at all-male correctional institutions.

It is also noted that the case of *City of Philadelphia v. Pennsylvnaia Human Rights Commission* should be cited at 5 EPD §8535 not §8538.

We thank you for bringing this matter to our attention. A copy of this letter has been sent to Mr. Locke, so that he may make the appropriate correction to the December 18, 1975, letter.

Sincerely,
Abner W. Sibal
General Counsel

cc: Mr. J. C. Locke, Jr.

ATTACHMENT A

TONY SEWELL

The witness, after having first been duly sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

BY MR. NEWMAN:

Q Will you state your name, please?
A Tony Sewell.
Q And your occupation?
A Director of the Mobile Work Release Center.
Q Is that a part of the Alabama Prison System?
A It is.
Q Will you briefly give us a resume of your job history?
A Yes, sir. I have a B.S. in Criminology from Florida State University, and also a Master's Degree in Rehabilitation Counseling from Florida State University. I worked as a Vocational Rehabilitation Counselor and assigned a Pub-

lic Defender case load in the State of Florida in the West Palm Beach District for approximately two and a half years, and then worked approximately a year as a Program Developer for the State of Florida, with the priorities being toward the Board of Corrections.

Q That is the Florida Board of Corrections?

A That is the Division of Corrections there.

Q What primarily did this job entail?

A Working within the major institutions with offenders toward vocational training, vocational placement.

Q When did you take on the present job which you now hold?

A February 12, '75.

Q And that was a Director of the Mobile Work Release Center?

A Right.

Q What type of facility is the Mobile Work Release Center?

A It is one of nine Work Release Centers within the State. It is an all male Work Release Center.

Q Okay. Would you explain what is meant by a Work Release Center?

A Okay. It is men within eighteen months of the expiration of their sentence or parole who are given an opportunity to go to a Work Release Center where we place them in jobs, or some of them have jobs of their own. They work during the business hours of their particular employer and stay with us the remainder of the time. Twenty-five percent of their salary goes for room and board.

Q Is this type institution, is it designated a security designation?

A All the men there are minimum custody, supposedly the cream of the crop of the Alabama Board of Corrections.

Q Therefore is that a minimum security institution?

A Yes.

Q Will you describe the physical layout of your facility down there?

A We are located at 1211 Dauphin Street, which is right in the middle of the Old Mobile Area, I would guess. It is a two-story building with two wings, a lobby connecting the two wings. Most of my men occupy the West Wing.

Q Okay. And by wing, is that sort of a dormitory?

A Right. It is built very much like — it used to be an old apartment building. That is what it was before, an efficiency apartment building. There are approximately seven to eight rooms we use for dormitory-type facilities and four rooms for administrative offices.

Q Okay. And how many inmates do you have assigned to the Mobile Work Release Center?

A At the present time we have forty-six.

Q And how large a number occupy one of these dormitories?

A It is in rooms. As many as seven would be in one room. Usually it would run around six.

Q And how large is one of these rooms?

A Twenty by forty. It is a very large old Southern home.

Q Okay. And the entrance to each of these rooms, does it have a locked door or gate on it?

A It is like a regular apartment building with a door that can be locked within. Then within the room there is a bathroom with a bathtub and a commode and a lavatory.

Q Are these bathing facilities open to the room or is there a door?

A There is a door going into the bathroom.

Q Does this door have an opening in it where you can see?

A It has frosted glass over the door so you can't see

into the bathroom from the outside.

Q So the frosted glass in your experience, does not allow you free view into the room?

A No, you cannot see through it at all.

Q Okay. Now, you say that seven men usually occupy one of these rooms?

A Yes, sir.

Q And there are around six of these rooms that are used as dormitories?

A Well, we have seven rooms that we use for living quarters.

Q Okay. And all of your men are assigned to one of these living quarters?

A Right.

Q How many Correctional Officers or, excuse me, Correctional Counselors do you have assigned to your Center?

A Seven.

Q Seven. What are their duties?

A They are divided up into three shifts. All the men are divided between five of the seven Correctional Counselors. Their duties involve, depending upon a particular shift, it is different between the three shifts, head count for security reasons, counseling, social and personal counseling, job placement, group and individual counseling. During times of escape or something of this nature, we all just about are on call twenty-four hours a day, is what it amounts to. The facility we spoke of before has no bars or locked doors of any sort. The men are free to come and go if they want to at any time that they want to. We have our rules and regulations against movement without letting us know where they are. But the duties would involve keeping a shift log to indicate where the people are at all times, a sign-out roster kept up-to-date. On occasions — quite frequently as a matter of fact, we do have shakedowns which would also involve

a frisk to the point of naked frisk, also in the case of drug users loking for needle marks and needle tracks.

Q Okay. Are there any times during the day when the inmate is restricted to the building that he cannot come and go as he pleases?

A Yes.

Q What time is that?

A After 9:00.

Q Until what time?

A Until the next morning when he goes to work. Now, you understand that some people work second shifts and third shifts, so they are at work after 9:00. But as a general rule, the men who are present are to be within the physical facility there after 9:00.

Q Okay. Now, these seven Correctional Officers, are any of them Correctional Officers or are they designated as Correctional Counselors?

A They are designated as Correctional Counselors.

Q Among these seven are there any women, any female Counselors?

A I have two females.

Q Do they perform the same duties as the male Counselors?

A They have to, yes.

Q They have to. And that includes patrolling of dormitories?

A Right.

Q And all the other duties that the males have to perform?

A Right, including the head count now. With the head count it is required that visual contact be made with an individual to determine that he is present. We have had cases in the past where pillows and blankets were piled up into a pile to form the shape of a body and the man actually

not be there.

Q How long have these women been employed as Correctional Counselors?

A I have been there since February of '75, and they were there then. One lady has been there two years and another one about a year and a half.

Q Have you observed the performance of these women?

A Yes.

Q For the one year that you have been there, have you observed their performance?

A Yes, sir.

Q Have you reached any conclusions concerning their performance as compared to the male Correctional Officers?

A Yes, sir. It is my opinion that the ladies are not able to perform all of the duties as I previously outlined before as capable as the male Counselors that I have.

Q And what do you base these conclusions or this opinion on?

A The frequency that I have to go back to the Center, say, after I leave the Center around 6:00 in the evening to take care of disturbances or minor problems that may arise while the females are on duty.

Q Are the females ever assigned to a Work Release Center by themselves where they are the only Correctional Counselor there?

A Yes, sir.

Q And does that create a problem?

A Yes, sir. As I mentioned before the number of times I have to come back to the Center or my Assistant Director has to come back to the Center, problems that arise through that.

Q Have you encountered any specific problems that leads you to this opinion?

A Yes, sir. Confidential information is what is termed

when the inmates report something to the Counselor or Director, in my case. Numerous times I have had reports on the female Counselors allowing certain male inmates to leave the Center without permission or to engage in some type of social fraternization with the male inmates that I have called them into my office and discussed with them as being unappropriate, in my opinion, as far as professionalism goes, and as far as the adequate conduct for a Correctional Counselor in a Work Release Center.

Q All right. I believe you testified that at night at times the only Correctional Counselor on duty is a female. What specific problems if any does that cause?

A It throws an element of doubt in the accuracy of the count, in the accuracy of the people actually being present in the Center. For example, if a man is coming in from work at 7:00 and the head count is being taken at 7:00 and he is taking a shower, when she goes to make the head count the man is in the shower. Now, if she goes into the shower and has visual contact with this man, it is invading his privacy. A lot of rumors that are reported to me are from such incidents, when a man is either taking a shower or sitting on the commode or something of this nature. The actual count has to be made through voice then. She has to be able to recognize the man's voice and be able to determine if he is there or not.

Q Has this caused any problems with maintaining a proper count?

A Two escapes that I can remember at this point happened at the shift change. The first head count that was taken after the shift changed, the man was discovered to be absent. And in one particular case he was reported as present at 11:30. When he was apprehended, it was found that he had left the Center at 10:00.

Q Was there a female Correctional Counselor on duty

at the time he was reported to be present?

A Yes, it was.

Q Are there any other occasions that come to mind?

A Not at the moment, no.

Q Okay. Have you had this problem with your male Correctional Officers that have been assigned there by themselves at night?

A No, sir.

Q How important is it to take an accurate head count?

A Extremely important in the Work Release Centers. The only means we have of responsibility to the community that we are in, we have to be responsible for the men at all times. If anyone asks where Joe Blow is at 9:00, we are supposed to be able to tell them where Joe Blow is. If he is working, he is present, or he is at a doctor's appointment or wherever he is. A recent example in Mobile is a man that was accused of being involved in a robbery in which a Policeman was shot. The man was reported present at 7:15 and at 8:55 at a head count. The robbery took place at 8:00. Three eyewitnesses said he was there.

Q Let me ask you this. In your opinion why is it difficult for a woman to make an accurate head count at those times that you mentioned? What has caused the inaccuracies in the head count, if you know?

A It would just be my opinion. I have not been present at the time the head count was made, but it would be my opinion that the man was in a bathroom, said he was in the bathroom. Someone could be standing in the bathroom for him, and through the shower and said I am taking a shower and she counted him as being present. Instead of making visual contact with the man in the shower, she assumed he was present and went ahead with her head count.

Q I take it then that the women Correctional Counselors do not enter the shower and bathroom facilities?

A I hope they do not. It would be an invasion of privacy, in my opinion.

Q Well, how would the inmates feel about it?

A I don't think they would appreciate it. Of course, some would not mind at all, since a lady observing a man may be considered erotic of some sort.

Q Have you had any occasion or do you know of any occasion where there have been any sexual assaults on any female Correctional Counselors?

A No, sir.

Q Do you have any explanation for this or in your opinion why this would be, or the reason . . . ?

A Well, in a Work Release Center, we do have the furlough program, the pass program. These are outlets there for the men once a week sexually if they have a wife or girl friend when he is on pass.

Q Would the fact that he is at a Work Release Center or at a very elite type of facility have any bearing on that, in your opinion?

A Yes. They work real hard to get there. A Work Release is almost where any inmate that you talk to in prison wants to be. He wants to be a Work Release participant. Any act of this sor[illegible] he would be immediately, of course, removed from the Center.

Q Generally overall, do you find that there are many assaults of any kind on any Counselor at the Work Release Centers?

A None to my recollection.

Q Okay. If there was an assault on a Correctional Counselor at the Work Release Center, what would be the action that you would consider appropriate to be taken

against this person?

A Press charges with the local District Attorney.

Q Would he be removed from the Release Center?

A Definitely.

Q Have you any knowledge or do you know of any other circumstances in which the fact that the mere presence of the female Correctional Officers have caused sexual connotations, or there have been sexual connotations involved because of their presence, any actions or problems because of that?

A Okay. When I first went to the Mobile Work Release Center on February 26, I think it was, of '75, I had reported to me before I got there that one particular female Counselor was discussing sexual problems with the male inmates to the point of what turns the ladies on, the length or the diameter of a man's penis being important in sexual intercourse with a female, questions of this sort, the very second day I was at the Work Release Center. I arrived around noon the first day. The next day I spoke with the lady about it and explained to her that in my opinion, if it was true, that it was something beyond her expertise, that it should be taken up by a psychologist or a psychiatrist, that it was not within our bailiwick to deal with such problems of this nature.

Q How would something of that type of nature affect the institution or the security of the institution if indeed it would?

A The same problems that we have in any major institution where a lot of men are present. The rumors that come from such confidential counseling sessions, which there is hardly no such thing in the prison system. The word gets out on everything. Since this particular time in the last year, I have had numerous reports by inmates

concerning the socialization of a female Counselor with some of the male inmates. These reports are from inmates to me, that they see the female Counselor while they are on pass. One particular case was that one of the male inmates was supposed to have been fondling the boobs of the female Counselor while she was on duty. Things like this are not only reported to me, but I am sure it is throughout the Center. Other Counselors have brought things to me that the inmates have told them of a similar nature. This creates a disturbance in the orderly running of the Work Release Center. And the staff because of its small number has to be close knit. And when there is any doubt or suspicion of this nature, there is no way that we can work that closely together. I have difficulty with it, because I have to bring these things out to the Counselors and question them about it repeatedly to see if there is any validity to it, at which time of course, they all deny it. But at this time the damage has been done, the loss of respect for the authority of the staff, if it is taking place or even if it is not taking place, I am allowing it to take place. It creates a disturbance in the orderly running of the Center.

Q Well, what is wrong with female Correctional Counselors being seen by an inmate, I take it on their off time while the Officer is off duty?

A Nothing if she wants to do it with the other forty-six also. It develops a jealousness amongst the inmates in that she cares more about this person. Or even with the male Counselor for that matter, he cares more about this man than he does me. It is something that has to be dealt with on a professional level, and I think that is inappropriate.

Q Are there any other specific instances that you can recall of female fraternization or the fraternization between the inmates and the female Correctional Counselors?

A Last week I had an administrative hearing with one of the female Counselors concerning an incident that happened in the lobby between the two wings that I mentioned earlier. My Assistant Director, Mr. Jim Sexton, was at the Center at approximately 9:30. I think it was March 14th. Four inmates were standing around the Correctional Counselor's desk in the lobby. One was seen singing and dancing in front of the Counselor's desk and the other three watching. As Mr. Sexton came in and left the back door open — the lady had been out three days sick prior to this — it was her first day back to work. The inmate reportedly said, who left the back door open, his baby had been sick. He couldn't have his baby sick, that he would close the door. I questioned her about this and she did not deny it, other than me asking if she was present at the desk at the time. Mr. Sexton reported that she was. She said other inmates had called her baby and honey at different times and she simply ignored it and went on about her business or she either took them to the side and told them not to call her baby or honey because the other inmates felt like they could call her baby and honey then. I explained to her at that point that that was the worst possible thing she could do, by pulling them to the side, because if there were any rumors going on for him calling her baby in the first place, when she took him to the side and talked to him in privacy, it only reinforced the rumors that were going around at this time.

Q Well, is this a problem — I mean, could other inmates become jealous of situations like this?

A I would think so, yes.

Q And if this were to occur, how would that affect the security or the running of that institution?

A It already has affected it. As I mentioned before,

the doubt that is involved there merely by the fact that I had to call her in and have an administrative hearing on such a thing as this. You know, it is uncalled for. It is unprofessionalism. With a male Counselor, I don't have that problem, because they are not going to call him honey or baby or any other pet names of this sort. It is just something that there is no place for it within the professional run Work Release Center.

Q Well, has jealousy ever arisen between inmates over a male Counselor?

A No.

Q That is to your knowledge?

A Not to my knowledge. I can give one more example of that now that just occurred to me. I received a letter from an escapee that was incarcerated in Mt. Meigs indicating that one of the ladies owed him some money. She had borrowed some money from him or something of this nature. But the reason she wouldn't pay him or the reason that he was writing was because he knew that her boy friend was probably jealous of him, and that is why she wanted to break off everything and not pay him the money that she supposedly owed him. I questioned the lady about this and she denied owing the man any money or having anything to do with the entire letter that was written by the man that had escaped.

Q Well, in your opinion, do you feel that the mere fact that you have female Correctional Counselors present at this institution would raise the possibility of romantic involvement occurring between Officers and inmates?

A That would be a very hard question to answer. But on strictly my opinion, a man that has been locked up for a period of time, two or three years, before he comes to a Work Release Center, and to be assigned to a female Work

Release Counselor being the first female that he has come into contact with on a regular basis, he had visitors probably when he was in a major institution, but he sees her daily, the chances are more likely for romantic involvement or crushes or similar puppy love-type situations. I would think they would be greater with a female Work Release Counselor than a male Counselor.

Q What would be the danger of puppy love or a crush occurring, if any? How would that affect the institution, if at all?

A Well, it would affect the remainder of my staff in that rumors would be coming in wondering if she was having anything to do with this particular inmate. It is taboo. It is very unprofessional for the Counselor to be carrying on. There would be a separation within the staff there. As far as the inmates are concerned, the elements that you spoke of, jealousy, could be involved if she spends more time with this man than she does with me, and I am assigned to her also. She is doing more for him than she is doing for me.

Q Would these problems that you speak of occur among the male guards, I mean the jealousy of the inmates, the doubts about the guards because of probable romantic involvements? If the females were not there, would these problems still be important? I mean, would they still affect the institution the same way?

A I wouldn't think so. My opinion is there wouldn't be any jealousy involved there. If a man was spending more time with this inmate than he was with another inmate, I can talk to him and tell him what he is doing wrong and there wouldn't be any element of doubt as far as whether there was any romantic involvement.

Q Do you know of any instances in the Alabama Prison System — do you personally know of any instances where romantic involvement between a female staff and a male

inmate has ever come to light?

A Yes, sir. I received a transfer from Birmingham. The man was on the inmate staff up there as a cook. He was transferred to my Center on Work Release since he was from Mobile. Shortly after he was there, I received a call from Mr. Cook, and there was a quite large phone bill that had been accumulated since the man had been at my Center calling, I think, the lady who was a bookkeeper for him in Birmingham. She was relieved of her duties, I understand. But the involvement was quite heavy.

Q Well, how could this affect the institution, romantic involvement between an inmate and the bookkeeper at the Work Release Center?

A Information that would be considered to be confidential information that the bookkeeper would have knowledge of, not only concerning the particular inmate that she was involved with, but other people within the Center would be greatly jeopardized, the confidentiality of that information.

Q At the Mobile Work Release Center is there a necessity for strip searches or is there a necessity for strip searches?

A On occasion, yes, sir.

Q What about the necessity for frisks, thorough frisks?

A Yes, sir.

Q How often does this necessity present itself?

A The naked frisk would be involved when an inmate is suspicioned of using drugs or using hypodermic needle-type drugs. They don't always shoot in their arms. I have never had one at my Center, but it has been reported that inmates also shoot in the legs and arms, the groin area and even as far as shooting into the penis with the hypodermic needle also. When I have a case where I think a man is using drugs, I will check it myself with the presence of another male Counselor. I will have him strip down, have him checked

from one end of his body to the other for any signs of any needle marks.

Q What about the regular frisks while the inmate is clothed?

A That is done by the male Counselors.

Q How often does this necessity arise?

A Whenever I run a disciplinary on a man, when I am going to remove him from the program and put him into a County Jail. I am not going to ride in the car with him until he has been completely searched and frisked.

Q Is it necessary to frisk the inmates when they come into the Center?

A We do not frisk them when they come into the Center.

Q I take it that females are not allowed to participate in this frisking activity?

A No, sir.

Q Are drugs a problem at the Mobile Work Release Center?

A I think they are a problem in every institution within the Board of Corrections. But yes, sir, I have drugs in my Center. We run urinalysis to check for them. We are constantly on the surveillance for any drug traffic that may be coming into the Center. But drugs are in the Center, I am sure.

Q Okay. If drugs were brought into the Center, in what area of the Center would they most likely be used?

A One male Counselor caught some in the bathroom. If it is used inside the building, it is in the bathroom.

Q Okay. Now, what effect would it have if women were not allowed to patrol the bathroom facilities if they were the only Officer on duty?

A The man can say I am sitting on the toilet.

Q And can carry on his activities there?

A Right. He would have plenty of time to dispose of

anything he may have been doing before she could go in, if he reported that he was sitting on the toilet or taking a shower.

Q Then it would be in your situation essential that a female have free run of the entire facility?

A Yes, sir.

Q Including the bathrooms?

A Right.

Q Well, is it possible that if she has free run of the facility, I mean by being allowed to go into the bathrooms, that she would knock first?

A I think that would be called for, yes, sir.

Q Well, would it not defeat the purpose of a surprise search?

A Absolutely.

Q In what way?

A The man would have time to get rid of anything he may have been holding. The male Counselors would just go on in.

Q Based upon your knowledge of the Mobile Work Release Center, do inmates as a whole respect, and I mean follow instructions, and feel that they can't get away with the same type of activities — well, just generally feel the same authority as when . . .

MR. CARROLL: I object to him testifying as to what the inmate feels.

Q All right. Based upon your experience at the Mobile Work Release Center and based upon your knowledge of the inmates there, do you have an opinion as to whether or not the inmates respect the female Correctional Officers to the same degree as they do the male Correctional Officers?

A In my opinion the male Counselors carry more respect for the authority of the position that they are in than the female Counselors carry.

Q All right. How is that manifested to you, or what do you base that on?

A Okay. My opinion is based on the confidential information that is passed on to me by the inmates at the Work Release Center. Such things as the female Counselors allow certain inmates to do things that they are not allowed to do. These people who report things to me are usually speaking for the purpose of protecting the Work Release Center. They feel like it is a good thing and they don't want to see it messed up, like one man being gone, for example, and counted present when they know for certain he is gone. They have expressed their feelings that they felt that the Counselor on duty at the time knew that they were gone.

Q Have you ever had occasion to know of this personally, where an inmate has been gone when he should not have been gone?

A Yes, sir.

Q I am not talking about escaped now?

A Yes, sir.

Q What was that?

A I forget the time and the date, but a female Counselor was on duty. I came in about 9:30 or 10:00 at night for a supportive head count, I call it. I instructed my Assistant Director and also one other male Counselor, a lot older than the rest of the Counselors, Mr. Tom Elezor, to go by the Center at night. We took turns going by the Center at night, because we had reports of so many people being absent from the Center and being counted as present for the supportive head count. That particular time I came in and she reported that two men were absent. I said where are they. She said they were supposed to be back at such and such a time and they are not back yet. I looked at the log and it was not reported in the log that they had gone anywhere or that they were sent any place. The last room check

was made at approximately 8:00, at which time they were counted as present. I asked the lady point-blank if she would have reported this had I not come in. She said no she would not have reported it. I asked her why. She replied because it was the first time she had had any trouble with these two particular inmates at any time.

Q Has this problem arisen while there have been males on duty?

A No, sir, not to my knowledge.

Q That is the problem of not reporting absent inmates?

A Right. One other thing I could add. We were talking about authority. The female Counselor told one of the inmates to do a particular task. I think it was to help clean up the dining room. He turned and said no, I will not do it, and walked upstairs. Now, this man was brought in my office immediately the next day and he denied it. But the two people that she told to do it after that told me directly that this man had flatly refused to do it and had walked upstairs, and she had told them to do it in his place.

Q She did not report this to you?

A It was not reported.

Q How important is it to report incidents like this that you have just told me about?

A In my opinion very important. Because if one gets by with it, does not show the proper respect for authority for the person who is in that particular responsible position, it can destroy the entire program, because others are going to try it also. If something of this nature is going on, I want to know about it immediately.

Q Well, how important is the respect of the Correctional Officer — the inmates' respect of the Correctional Officers in running any institution?

A As important as it is for them to respect the Policemen when they are on the street. It is authority that has

to be respected. You and I have to respect it.

Q Once that respect is no longer there, does it create problems?

A Yes, sir.

Q I believe you have testified that in your opinion you have found that there is less respect for the female Correctional Officers as a whole?

A Yes, sir.

Q You have talked about confidential information. How important is confidential information in a prison system?

A Well, once again this is going to be my opinion now. But in my opinion, it is essential.

Q Why is that?

A Because I cannot be there twenty-four hours a day. Now, the validity that I put into the confidential reports is based upon the reliability of that particular source in the past.

Q And these reports that you have received, is it based in your opinion on reliable sources — well, sources that have shown themselves to be reliable in the past?

A Yes, sir.

Q How important is it for the Director or Warden or whoever is the top man of a penal institution to be on top of what is going on in his institution? How important is it for him to know what goes on in his institution?

A If he is going to do his job efficiently, he has to know.

Q If you know, tell me whether or not confidential information or information based upon confidential sources is a common practice in penal institutions?

A I cannot speak for the other Wardens, I can only give my opinion and say that I think it is. It is something that is protected.

Q In your opinion, based upon your experience at the Mobile Work Release Center, should women be hired on the

same basis as men in a correctional institution, that is should they be put in contact-type positions, contact positions being where they exert control?

A In my opinion if they can establish their ability to have control, yes. If they cannot have the control that a male Officer or Counselor in the same position could have, I do not think they should be there.

Q Have you found from your experience that the women at the Mobile Work Release Center have failed to establish this control?

A I have reason to question the control that they exert.

Q Do you feel that the facility would run more efficiently if the female Correctional Counselors were not assigned there?

A I do.

MR. NEWMAN: That is all.

CROSS EXAMINATION

BY MR. CARROLL:

Q Mr. Sewell, I believe that you stated that for a period of time you worked in Florida in the Florida State Prison System; is that correct?

A With the Division of Vocational Rehabilitation assigned to a public defenders case load which took me into the prison.

Q Can you describe those duties a little bit for me?

A Okay. I worked the Belle Glade Correctional Institution there in Belle Glade, Florida, where I went to the institution through the Warden and the Assistant Warden and interviewed inmates for work release for vocational rehabilitation clients.

Q Were there any female Correctional Officers employed in the Belle Glade facility?

A Not to my knowledge.

Q When you finished with the Florida counselor service, what was the next position you held?

A With the State of Florida as a special project out of the Governor's Office, Community Services Delivery System was the name of it. We were trying to deliver an umbrella system for all the related rehabilitative fields. I worked as a program developer in that in trying to coordinate the efforts of the sister agencies with the Division of Corrections in Florida for better services to the inmates.

Q Did that actually involve going into the institutions?

A Yes, sir, more so than the V.R. position did.

Q What did you do when you went into the institutions in this particular job?

A I worked with the Warden once again in setting up programs within institutions such as prerelease where the unemployment office would be brought out for jobs and explanation of jobs and how to apply for a job. Just coordinating the efforts of other agencies in helping the Division of Corrections with the problems they were having.

Q When you finished with that particular job, what was your next employment?

A I worked with a construction firm in South Florida for about a year.

Q Was that in a correctional related field?

A No. This was completely unrelated at all. I went for the money and worked as a Field Superintendent for a construction company for about a year and as a Field Superintendent for a landscaping company for about nine months.

Q What year was this?

A Well, I have been with the Alabama System for a year. I terminated employment in December of '74 with the landscaping company. So nine months back would still be '74. So '73-74.

Q And in '74, you then came to be Director of the Mobile Work Release Center?

A Yes, sir. I came back to my home state of Alabama. My family lives in Bullock County, Alabama. And then six weeks later I went to work for the Board of Corrections in Alabama.

Q I believe you testified that there are seven Correctional Counselors that presently work at the Mobile Work Release Center?

A Yes, sir. I have a staff of eleven now, one secretary-bookkeeper, one Steward, Assistant Director and seven Counselors.

Q I also believe you testified there presently are two female Correctional Counselors at the Mobile Work Release Center?

A Yes, sir.

Q Have these women been employed the entire time that you have been the Director of the Mobile Work Release Center?

A Yes, sir.

Q How about the five males?

A Right now I should mention, I guess, that I am one Counselor short. One Counselor transferred to the Atmore Work Release Center. I have hired one Counselor since I have been there. He is presently in school in Bay Minette.

Q The two female Correctional Counselors, how did they enter the correctional system? What jobs had they held before the correctional system; do you recall?

A As I recall, neither of the two had experience in correctional work before they were hired.

Q And what are their names?

A Edith Briers and Barbara Ruffin. Now, both of these ladies are going to school in Criminal Justice, and this past quarter earned their Master's Degree from Troy State University in Criminal Justice.

Q The male Correctional Counselors, what are their

names?

A Don Evans, Mike Sullivan, which is the newest Counselor that I have and the one that I hired, John McGill, Mr. Elezor, Thomas Elezor, Jr.

Q Okay. That is four.

A I am one Counselor short.

Q So presently you have six on the staff?

A Right.

Q Okay. What was Mr. Evans' background? Did he come out of another institution?

A No, sir. He was not correctional related. He had worked as some kind of a guard, I think, or with a security guard system.

Q How would you rate him as an employee?

A Average.

Q How about Mr. Mike Sullivan, what was his background?

A He was in the service. He was in the Military Police, and he is in school in Criminal Justice and that is where I found him, in South Alabama.

Q And how would you rate him as an employee?

A Good, very good.

Q Mr. John McGill, what is his background?

A He did not have any correctional background either before he came here. He is a very good employee too.

Q How about Mr. Elezor?

A Mr. Elizor is an ordained Methodist minister there in Mobile. He is forty-seven years old, I think, and he is extremely good.

Q I assume from your testimony that you would rate the two female Counselors as poor to below average? You wouldn't rate them very high, I would assume?

A One, Miss Briers, I would rate as just below Mr. Evans there. She is a good employee. Miss Ruffin would

be in the poor range.

Q Now, I believe you made a statement in your direct testimony that women — pardon me, you used the term ladies are not able to perform as capable as men in this particular field of correctional counseling. Would you state for me again the basis for that particular opinion?

A The element of doubt involved in the accountability of the inmates when head counts are taken, their ability to handle the Center in the absence of the administrative staff in the professional manner that I in my opinion think it should be handled.

Q And this is based on your experience with the two females that are presently under your supervision; is that correct?

A Yes.

Q Now, you just rated one of those as a good employee?

A Yes.

Q So I can interpolate that the other one is the problem?

A Yes, sir.

Q So it really is one female employee that you are using as the basis for your opinion?

A I only have two. One is better than the other one, yes.

Q Okay. Have you yourself undertaken any sort of either program or set of orders or personal contact with your female Counselors in integrating them into the previously all male Correctional Counselor positions?

A Yes, sir, I have.

Q Would you describe that?

A The S.O.P., Standard Operating Procedure, that we drew up to explain what to do in certain cases. I have talked with the ladies extensively on the conduct and professionalism involved in working in an all male Work Release Center. Such things as going on a job interview with a male, taking

a male for a job interview. As long as it is handled in a professional manner, there should be no problems involved at all. In a case which happened not too long ago where the female took one of the male inmates with her to her house — she left some papers she had to have for work at her house. She asked the male to take her over there in his company truck that he happened to have and they were gone about fifteen or twenty minutes and were back. This took place at 9:30. With a male Counselor this would be no problem there. With the female Counselor there is quite a bit of problems there as the rumors that came to me in the next two or three days as to what took place there.

Q So apparently these rumors are an important part of forming your opinion that female Correctional Counselors can't do the job as well as men?

A Any disturbance that takes place in the Work Release Center is a problem.

Q Are rumors normal among an inmate population?

A I would assume, yes, sir.

Q Do you get concerned about all the rumors that the inmates float by your office?

A Any information that comes to me that is contrary to the way I think that the Center should be operating is of concern to me.

Q Okay. Let's talk about some of these other rumors. What kind of other rumors concern you other than the sexual misconduct between the inmates and the female Correctional Counselor? What are some of the other concerns that you have that these confidential informants bring to your attention?

A The absentee of a man being absent from the Center when he was reported to be present.

Q Any more?

A That in relation to what I mentioned earlier also.

Q What sort of guidelines have you set down as far as

fraternization by Correctional Counselors in the Work Release Center?

A I have tried to explain the difference between rapport and friendship, and the importance of handling rapport at the Center during business hours and not letting the rapport turn into friendship after business hours in the form of taking inmates to their home for dinner or something of this nature. I think that is very inappropriate and can lead to nothing but problems.

Q Have you had any Correctional Counselors take inmates home to dinner?

A I have had several requests, but they have all been denied.

Q Okay. Have you had any complaints from the inmates of your so-called confidential informants about male Correctional Counselors?

A No, sir.

Q Now, I am not talking about complaints about fraternization or socialization, I am talking about any complaints?

A Yes. I have had complaints on one Counselor, the one that transferred to Atmore in that he was unfair. He wrote people up too quickly, would not give them the benefit of the doubt. Now, Don Evans that we named earlier that I rated average, he also had problems of this sort, that he was too hard nose in his approach to the inmates and this was more of a personality conflict than it was anything else.

Q Did these particular Correctional Counselors report to you all conversations they had with inmates any time an inmate talked back to them?

A Yes, sir.

Q They did?

A In a memo form usually; if not, they check with me when I get there in the morning.

Q How many times did that occur?

A I can't give you a number, but numerous times.

Q How many escapes have there been at the Mobile Work Release Center?

A Thirteen.

Q How many of those occurred when female Correctional Counselors were on duty?

A I could not tell you exactly.

Q I thought in your direct testimony you mentioned two?

A The two were involved when they were on duty. I was speaking of the turn of the shift involved there.

Q Okay. Earlier you testified to some singing and dancing. Well, let's go back to the two female Correctional Counselors. Tell me everything that has happened in the year that you have been there that Miss Edith Briers has done that leads you to believe that she is less than a good employee. Well, you said she was a good employee. What are the things that you have found objectionable to her as a Correctional Counselor?

A Okay. Recently I learned that she was filling out Income Tax Returns for the inmates and charging them Six Dollars apiece, or accepting money for the services that she was rendering. Now, any time that money is exchanged between the inmates to the Counselor, I get numerous rumors, one of which she was charging the inmates to allow them to be gone from the Center. I just get numerous things of this sort that come from that.

Q Okay. What were the sources that brought this to your attention?

A Two inmates and one Counselor.

Q And which Counselor was it?

A It was John McGill.

Q Okay. Now, what did you do? Did you confront Miss

Briers with this particular incident?

A I held an administrative hearing on the matter.

Q And what was the result of the administrative hearing on the matter?

A It was my opinion that she was not actually fully aware of the regulation involved in trading and bartering with the inmates. She voluntarily returned the money that had been given to her, and I in turn advised my Supervisor suggesting that the matter be dropped at this point.

Q Okay. Continue with the problems with Miss Briers if you would.

A During this same administrative hearing, I brought up the metal Social Security plates that she was also selling to the inmates. I instructed her not to do that any more either.

Q Okay. When was this, in March you say or February?

A This was last week, this particular administrative hearing took place. As far as rumors go, I have had rumors about her also that she was allowing the selective inmates to be absent from the Center when she was on duty.

Q Is there any evidence of that?

A None that I can put my finger on.

Q Okay. Continue with her problems if you would.

A That was the lady I was referring to when I spoke of the escapee that wrote the letter back to me saying that the lady owed him money, and that the reason he escaped — or, she wouldn't pay him was because her boy friend was jealous of him.

Q Did you pursue that matter any further?

A I confronted her with the letter and asked her about it and she denied it, all knowledge of it.

Q Okay. Continue if you would.

A With Miss Briers?

Q Yes.

A That is it.

Q Okay. How about Miss Ruffin, how about telling me since you have been in Mobile Work Release the things that you have found objectionable about Miss Ruffin.

A Sometime before our round last Summer my wife and I were at the Bel Air Mall in Mobile and I saw Miss Ruffin walking down the Mall with a male companion. We spoke and kept on going, and later I realized that she was supposed to have been on duty that night. The next morning I asked and she had two Counselors on duty, and she had taken a little time off to go shopping because there was a death in her family and she had to buy something for the funeral. It has been reported in rumor form that Miss Ruffin was engaged in breast fondling at the Center with one of the male Counselors.

Q Did you verify those rumors?

A I discussed it with the Counselor. They were not verified, no, sir.

Q So you do not know for a fact whether that ever occurred at all?

A No, sir, I don't know for a fact that it did occur. I do know for a fact that it occurred to the point that rumors were started and it circulated throughout the Center.

Q So the rumor is really the disastrous part of this particular incident?

A Yes, sir.

Q Continue if you would with Miss Ruffin's conduct.

A Okay. Before the Bel Air incident, I testified to the first confrontation that we had the second day I was at the Center concerning the . . .

Q I am sorry to interrupt you. Now, the rumors that

we are talking about, about Miss Ruffin and the breast fondling, were they inmates or staff?

A Inmates.

Q Okay, thank you. I am sorry I interrupted you.

A Okay. Just going back to the counseling depths that were going on before I got to the Center concerning the discussion of sexual practices and the like. This was confronted with her. She admitted to discussing related subjects, but not exactly the ones that I brought out in the earlier testimony with the inmates. When I explained that this should be done by people with more expertise than we had, she agreed and said she would cease. I have had no reports of this type discussion going on since.

Q Did she admit to discussing this particular matter with the inmates?

A She admitted to discussing sexual matters with the inmates upon their request to discuss problems.

Q And you find that objectionable?

A Yes, sir.

Q In what regard?

A Because I do not feel that it would have been gone into in a professional manner, that it was more in an effort to embarrass — well, the matter in my opinion should not be discussed by my staff since they do not have the training or expertise to go into this particular line of counseling. We have access through sister agencies to psychologists and psychiatrists who are on their payroll or staff or within their ability to obtain where matters of this sort can be discussed.

Q Would you have found it objectionable if a male inmate and a male Correctional Counselor had discussed each other's sexual problems?

A Yes, sir, I would have.

Q So you would have taken the same action had you come upon a conversation where both of the male participants were talking about sex; is that right?

A If they were talking about sex as far as their inability to perform and why and in a sexual experience, yes, sir, I would object.

Q Now, if you would continue with Miss Ruffin's conduct.

A The accuracy of the log on several occasions I have called her attention to things that should be in the log that were not reported in the log, such as visitors that she had at the Center as well as visitors that inmates had when it was not during the normal visiting hours. Also the accuracy of the count as it is reported in the log. We have at this time forty-six people. Week before last we also had forty-six people. But in her report in the log she had two people accounted for being at work, two people accounted for as being at school and forty-four present. Now, the total added up to forty-six in the log, but that adds up to forty-eight.

Professionalism in this manner is what I am talking about. Now, the way that count is taken I also object to. I have been with her when she knocked on the bathroom door and asked who was within, and the report from the inside gave a name. She marked the man as present and went on to the next room.

Q What are your instructions to female Correctional Counselors as far as entering the latrine area to do things like determine who is in there and that type thing?

A It is the policy at my Center for female Counselors not to enter the bathroom, but to stay within the area until the man comes out of the bathroom to make visual contact with every inmate before he is counted as present. Now, in the bedroom or in the dormitory setting if the man is in bed,

some form of life or recognition has to be seen before the man is counted as being present.

Q So by not going into the bathroom she was following your directions, your direct orders; is that correct?

A By not going in the bathroom she was, but by going to the next room she was not.

Q As I recall your direct testimony, the reason you don't let your females go into the bathrooms is that you feel that that is an invasion of the inmate's privacy?

A I do.

Q Do you conduct searches of the inmates?

A Yes, I do.

Q Do you conduct searches of the belongings of the inmate?

A Yes, sir.

Q You don't consider those invasions of their privacy?

A It is in the presence of them.

Q But you don't consider that invasions of the inmate's privacy?

A We are looking for contraband at the particular time. We are looking for any weapons that the man may have before he is removed from the program.

Q So in that particular context, the security of the institution is dictating your policy; is that right?

A Yes, sir.

Q But the security of the institution's doesn't dictate your policy as far as females going in latrines?

A I am not sure I am following your line of questioning here. What I am talking about is a man's privacy while going to the bathroom or taking a shower.

Q But you don't believe that a man has a right to the privacy of his person not to be searched?

A I do believe he has the privacy of his body not to be

searched when there is no probable cause to search that body. If I have probable cause to search the man, I am going to search him.

Q But what I am saying is, when there is a clash between invasion of privacy and effective running of the institution, the effective running of the institution should be the controlling factor; is that right?

A What am I supposed to say, yes? Okay, yes.

Q Okay. Back to Miss Ruffin again, if we can continue with her catalog of her conduct.

A Okay. Discussions when I discuss elements of her conduct with her in the privacy of my office, it has been brought to my attention and I have brought it to her attention that she goes back into the lobby and during the course of the rest of her shift it is discussed with inmates and I find this objectionable.

Q Would you clarify that just a little bit?

A What went on between us, what I discussed with her in the privacy of my office. She takes it back out in the population of the Center and discusses it with the inmates. I consider this to be non-professional and object to it.

Q And you, of course, have told her of your objection?

A I have.

Q Okay. Continue if you would.

A Her dress, the manner in which she wears her clothing. I have asked her not to wear low-cut blouses or tight-fitting blouses or tight-fitting clothes or pants or short dresses. I feel that this is a distraction from her job by being in the presence of forty-six male inmates. It has been my experience to walk up to the Counselor's desk where she is sitting and writing slightly leaning forward and there would be three inmates jockeying for position in front of the desk.

Q Okay.

A She is unmarried but has two children. On occasions she has to be late to work due to taking care of her family. But that is really something that I have discussed with her, but it has also taken place with my male Counselors, so it would be unfair to list that as being the only case.

Q Can you think of anything else?

A Not at the spur of the moment.

Q Okay. Miss Ruffin has been under your supervision since you have been there. Do you know how long she has been employed at the Work Release Center?

A As I recall, when I first arrived I had approximately two weeks before I had to fill out her efficiency rating for permanent status. So she had to be there a year before that, within almost a year. I would say fifty weeks there before I came.

Q You filled out her efficiency rating. I assume that you talked to your predecessor in office about her?

A Yes.

Q What was his particular opinion?

A His opinion was that the lady had a lot of potential, and that she could outgrow the problems that I have mentioned before.

Q Since she has been in your employ, have you recommended her dismissal?

A No, sir. I have recommended she be suspended for five days.

Q Was that suspension carried out?

A It is in the process now. It is to be some time next month.

Q Can you explain to me a little bit more about this transfer to Atmore of a particular male Correctional Officer?

A Yes. He goes to school at Troy Extension in Bay Minette. He has a fiancee — well, not his fiancee, but his

girl friend who lives in Atmore. He desired to work in the Atmore Work Release Center.

Q And you transferred him at his request, it was not a disciplinary matter?

A Right. I transferred him at his request. I hated to lose the man.

Q And it is your testimony that you have had no problems with the five male Correctional Counselors; is that correct? I believe you testified that one of them the inmates considered to be overly . . .

A Strict.

Q . . . overly strict?

A Yes, sir.

Q But outside of that absolutely no other problems?

A Not in the same line that we are talking about with the female Counselors.

Q And, again, your opinion is based on your experience with Miss Ruffin and Miss Briers?

A Yes.

MR. CARROLL: I have no further questions.

[Dep 58-59]

BILL GILMORE

The witness, after having first been duly sworn to speak the truth, the whloe truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

BY MR. NEWMAN:

Q Would you state your name for the record?

A Bill Gilmore.

Q And your occuption, Mr. Gilmore?

A Director of the Frank Lee Youth Center.

Q Is the Frank Lee Youth Center a part of the Alabama Prison System?

[Dep. p. 4]

A Correct.

Q And what type of facility is the Frank Lee Youth Center?

A It is a minimum security first offender, young offenders.

Q How long have you been Director of the Frank Lee Youth Center?

A Four years.

Q And prior to that what position did you hold, if any?

A I was a Warden at the Medical and Diagnostic Center, which is now Kilby.

Q Is that also a part of the Alabama Prison System?

A Correct.

Q Did you hold any position prior to that with the Alabama Prison System?

A I was Warden at Tutwiler Prison.

Q And for how long were you a Warden?

A One year.

Q And what year was that, if you recall?

A '70 and '71, parts of '70 and '71.

Q Did you hold any other position with the Alabama Prison System?

A Yes. I was, of course, at the present Kilby facility on two occasions totaling somewhat over two years. Of course, prior to 1970 I was Classification Supervisor at Kilby.

Q And how long were you Classification Supervisor?

A Supervisor for four years and Classification Officer for about twelve years.

Q Would it be fair to say that you came with the Board of Corrections around 1955, '54 or '55?

A No, '57. Straight from college.

Q And what is your educational background?

A Bachelor of Arts, Major in Sociology.

Q And right out of college you went to work with the

[Dep. pp. 4-5]

Alabama Board of Corrections?

A Correct.

Q Okay. As a Classification Supervisor, what were mainly your duties?

A Primarily in assignment of new inmates to various institutions and various custodies.

Q In that job did you get familiar with the inmates, I mean as far as their traits and their attitudes?

A I had personal contact with them from short periods of time to long periods of time, with all of them, in the Board of Corrections.

Q As Classification Director, what were your duties?

A Well, I directed the processing of the new inmates, but also I was Chairman of the Central Classification Board in making the initial assignments.

Q Okay. And what were these assignments based on?

A Based upon, of course, primarily custody, and then upon age, then upon skills and of course what programs, whether it be academic, vocational or trade.

Q Now, what were your duties as Warden of Julia Tutwiler? For the record, is that a male or female institution?

A Female.

Q What were your duties as Warden there?

A Well, like any Warden's job, you are responsible for the total operation of the institution, not only in supervising your staff, but the inmates and all aspects of the institutional operation.

Q Were your guards or security people at Tutwiler primarily male or female?

A Primarily female.

Q Did you also have male guards?

A Yes. If I recall exactly, I had three males at the time.

Q And this was in '70-71?

A Let me see. In thinking back, I think we are talking

about parts of '71 and '72. Correct that.

Q Okay. Did these males that were assigned to Tutwiler have any specific duties?

A Primarily they were used in manning the back gate, which is an outside position. And then at other times we would use them in the central hall area. And then on Sundays we would perhaps use them in the lobby in handling our male visitors.

Q Were they placed in contact positions with the female inmates?

A No. They did not go — for instance, they did not go in the dormitory or in your areas where the females were, say, undressed or partially undressed.

Q Were they allowed to conduct strip searches?

A No.

Q How about frisk searches?

A No, they did not.

Q Was there ever any occasion that they were used to subdue unruly inmates?

A Only in rare instances if they happened to be in the area, like on the central hall, then they would assist in, say, escorting the female to solitary confinement, or breaking up a minor fracas.

Q Now, I believe you stated that from there you went to what is now Kilby Correctional Center?

A Correct.

Q And your position there was Warden?

A Right.

Q And what were your duties as Warden at Kilby?

A As I mentioned before, the Warden's duties encompasses the total operation of the institution, including of course the hospital facility and, of course, the staff and the inmates' welfare at the institution.

Q All right. Did any of your duties at Kilby bring you

into contact with the classification of inmates that was going on at Kilby?

A Yes. We were directly at times and indirectly at times involved in the classification of new inmates, and also in the reclassification of inmates.

Q Were you personally involved in any of that?

A Yes. As Warden there I was a member of the Classification Board for part of the time, anyway.

Q Let me ask you while you were at what is now known as Kilby did the Board of Corrections of the Alabama Prison System employ any females at that time as Correctional Counselors or Officers at Kilby?

A No.

Q All right. From there you went to the Frank Lee Youth Center as Director?

A Correct.

Q And that was about 1972?

A I think it was March, '72.

Q All right. What were your duties there?

A As Director, which is synonymous with Warden, that is responsible for the total operation of the Youth Center.

Q Okay. And the Youth Center, I believe you stated, was a minimum custody or minimum security institution?

A Correct.

Q What type of inmate is primarily found as far as custody classification or ages or what crime?

A The nature of the institution is set up whereby only first felony offenders are assigned there, only inmates under the age of twenty-three and not to exceed a ten year sentence. We also screen the violent-type offenders. We rarely assign a person that has an offense of violence. It is mostly burglary and grand larceny.

Q What is the main function of the Frank Lee Youth Center?

[Dep. pp. 9-10]

A It is primarily a rehavilitative-type institution. There is offered to all that attend, all that are assigned there, academics. All of them have the availability of a vocation. That is our primary reason for existing, is giving educational and vocational and academic instruction versus a work camp.

Q It is not a work camp, but primarily a school camp?

A Right.

Q When you first became Director of Frank Lee, what was the total capacity of that unit?

A One hundred.

Q And how many inmates were assigned there?

A When I first was assigned we had seventy-three and shortly thereafter it was increased to one hundred.

Q At the present time, what is the capacity?

A One hundred thirty-seven.

Q Is that the capacity or the number that is assigned there?

A The number that is assigned there.

Q What is the capacity?

A Capacity of two hundred.

Q Now, how is the Frank Lee Youth Center set up?

A It has a telegraphic design, that is it has four wings of dormitories with a recreational area between each dormitory, and then adjoining the two dormitories — adjacent to the four dormitories is a bathroom and shower area.

Q Okay. Let me see if I am correct now. Are there four dormitories connected by a recreational facility?

A Between the two dormitories, correct.

Q Between . . .?

A Each dormitory has an area between them with an Officer's Post and the recreational area.

Q So you have four consecutive dormitories connected with recreational facilities?

A Correct.

[Dep. pp. 10-12]

Q Now would I be correct in saying there are four fifty man dormitories?

A Correct.

Q Okay. And would each dormintory have a bathroom facility?

A Each dormitory has a lavatory and sink — I mean a commode and lavatory.

Q And is this divided from the dormintory by a wall with a door or how is it connected to the dormintory?

A The dormintory has a wire screen and a screen door — I mean a solid door. But the wall is about two feet or thirty inches in height, so it is an open — that is you can stand outside and observe the total dormitory, including your bathroom area.

Q If you are inside the dormitory, can you observe unobstructedly the bathroom facilities if you are standing inside the dormitory?

A Oh, certainly. It is open.

Q Now, how many Correctional Counselors or Correctional Officers or security persons are assigned there?

A Today?

Q Today, yes, at the present time.

A Eleven. Well, let me correct that. Today there are ten assigned there.

Q Do you have any Youth Development Officers there?

A We have six.

Q Were those included in the ten?

A No.

Q Do they also serve in a dual capacity as a Security Officer?

A Correct. They have to be used interchangeably as security.

Q So you have sixteen?

A Correct.

[Dep. pp. 12-13]

Q Of those sixteen, how many, if any, are female?

A Six.

Q And can you tell me when the first females were assigned to the Frank Lee Youth Center, if you know?

A Early in 1974. I am not too sure of the date.

Q All right. And in what capacity were they assigned there? I am talking about as Correctional Counselors or Correctional Officers.

A Correctional Security.

Q In a security position then?

A In a security-type position. Now, I might correct one thing. In Youth Development we had four and one of those was a female. So there has been a female in Youth Development.

Q Let's go back. I think I confused you by my question. In fact, I am pretty sure I did. When the women Correctional Counselor trainees or security-type Officer was assigned to Frank Lee, what capacity or what jobs or duties were they assigned to when they first were assigned there?

A Security.

Q And what did that entail?

A It entailed walking through the dormitories, making counts while there, not only while they are up, but after lights are out and they are in bed. It entailed rounds through the shower room area at all times. It involved some instances of shakedowns, frisking the inmates, plus going through his locker.

Q Okay. Are those duties which you have just described the same as a male Correctional Counselor security personnel is supposed to carry out?

A That is correct.

Q So they are identical duties?

A Yes.

Q Is that still the case now, today?

[Dep. pp. 13-15]

A That is correct.

Q Okay. So would it be fair for me to say that you have women employed at the Frank Lee Youth Center in a contact position?

A That is correct.

Q Okay. Now, I believe you testified that it was two and a half years ago or around two and a half years ago or around 1974 when these females were first employed. Have you observed their performance since that date?

A Yes.

Q Okay. Have you reached in observing the performance of your female Correctional Counselors or security personnel, have you reached any conclusions concerning their performance as a whole?

A Yes, sir.

Q And what would these conclusions be?

A I have found that they are not as totally effective as the male in many aspects. In one sense they do not command the authority that the male gives, that is an inmate will not readily obey her. He will tend to argue and sometimes reach the point of insubordination before she gets him to adhere to her orders. Other aspects which I have noticed is that she is limited in her surveillance of, for example, the shower room area, which is a critical area up there. She hesitantly goes through the shower room, but she will not, like the male you know, stand and observe or stay in that area for a period of time, especially when they are showering or using the commode. So her observance is more tacit than the male Officer's.

Q I take it that there are penalties for insubordination at the Center?

A Correct.

Q Have you ever had to penalize an inmate for insubordination to a female?

[Dep. pp. 15-16]

A Correct. Just two or three weeks ago one was transferred for being insubordinate to one of the female Officers.

Q Have you found that this insubordination occurs more often when it is a woman or female Correctional Officer than a male?

A Well, not the insubordination per se. I am saying in most cases the inmate will not go to the point of being insubordinate, because he knows the penalties for this. But he will try her to a point, that is he will argue, he will not carry out her instructions until finally after aggravating her or getting written up for a lesser offense, he may stop at that point. But she has a difficult time in getting him to go ahead and more voluntarily do what she has asked him to do, whereas with our male Officers they don't try them to this point, because they know that he will take firmer action at an earlier point.

Q Now, based upon your almost twenty years experience with the Alabama Board of Corrections, and more specifically fifteen years in classification, would you say that this problem is because of the Officer's sex, that is that she is a woman, this trait of readily arguing with them, with the Officer, and taking her to a higher point of — higher degree of almost something like insubordination? Would you say that based on your experience that this is solely because she is a woman?

A Certainly. He recognizes probably softness on her part to start with. It is synonymous with your mother-father situation. Often times we will argue and sometimes can get away with more with our mothers. But when your father is involved, you tend to go ahead and fall in line earlier.

Q Do you have any opinion as to the attitude, the general attitude of the typical, what you would call a typical inmate in the Alabama Prison System as to a woman, what his attitude toward her is?

[Dep. pp. 16-18]

A I think most of them have, you know, a certain feeling about the role of a female and where her function is in society. I think this is something that they share with most males. But the inmates at Frank Lee — of course I can't speak for all the inmates in the system at this point — but they have a good deal of respect for the female. They are not necessarily negative to the female being in the institution in certain roles. But the feeling generally is that they don't think she ought to be back in their shower room and back in their dormitory. For instance, not long ago one inmate related to one of the male Officers about does he have to use the commode while the Officer is standing out there.

Q In other words, the inmates greatly object to a woman being present in their living area?

A Yes. This is not something they have been used to. They are a little hesitant about, like I say, showering, using the bathroom or something while she is in their presence.

Q How does this affect your institution?

A Well, of course it limits our observation and security. Like I say, if you have an Officer assigned in an area and if she is not all eyes and really observing and moving around in the critical areas, then you certainly are not getting the security that you need and the observation that you need.

Q I take it then that from your prior testimony that if a woman was to enter a dormitory, she would almost have to close her eyes not to see into the shower room and bathroom facilities?

A Correct. Now I might correct this a little bit here. In the dormitory itself you have a commode and lavatory, but between the two sets of dormitories is a shower where they take their showers. And, of course, you have other lavatories and commodes there. But there is no way you can go through a dormitory or, of couse, go into the shower

room without seeing the individuals in various situations. As a matter of fact, we have a rule that the inmates not be nude, sleep in the nude as such. But of course in warm weather, especially, most of them will sleep in their shorts only in various positions. So at nighttime while they are in bed or even in early evening while they are lying around there, there are very precarious situations where the female or the person patrolling the dormitory would have to see if he or she is doing the job.

Q How important is it when an Officer patrols a dormitory living area to take in all parts of that dormitory, to go into the bathroom facilities and the shower facilities? How important is that and how necessary is that to maintain security in a prison?

A At Frank Lee it is extremely necessary. Now, we are not totally engrossed in the security part like a person escaping. This is not what we are talking about. We are talking about behavioral security. We are able to keep homosexuality almost to nil because of being able to see all areas and patrol all areas readily. We are able to cut down on any serious fights because of this. We cut down on marijuana use, which is most of our drug problem by doing this. If we did not, we would have some serious cuttings and we would have some homosexuality popping up. So it is of the utmost importance in this type of institution, and I am sure in all. But this is the reason we are able to cut down these problems that exist sometimes in your larger institutions, because you can stand at a point and see all areas. You can move into the bathroom and within sixty seconds observe the whole area.

Q Because of your staff requirements, first of all are you up to staff?

A We are minus one security at this point.

Q Because of those staff requirements, are there times

when women must be alone in a dormitory, in control of one dormitory by themselves?

A Yes. As a matter of fact, three nights a week at this point of necessity we have one female with a hundred inmates or between the two dormitories. And the other Officer is like, you know, a hundred and fifty feet away in the other area where the shower is in between them. As a matter of fact, they are cut off by sound or sight in another area.

Q All right. I take it that this woman now patrols all areas in the dormitory, is that correct, including shower and bathroom facilities?

A Correct.

Q If she was prohibited from doing that, do you have any opinion as to whether or not your problems with your cuttings and your marijuana or homosexuality would increase?

A Definitely. Well, of course it would mean that the male Officer or the Officer that was on duty would have to cover all the areas which he could not readily do. And, of course, she would be placed in the front office area, which would at times be of no significance, because we have no need for a post up there.

Q Has the fact that a woman has been assigned to a dormitory by herself created any problems up there at Frank Lee?

A At times it has.

Q And how were those problems manifested to you or made known to you or come to your attention or what are they?

A Well, I can remember one instance whereby there was a near riot that broke out, or at least a couple of inmates picked up bottles and were making some wild threats and agitating the situation. And she, of course, readily came to

the door of the dormitory and was asking them to put their bottles down. Anyway, she was pushed to one side and on the edge of the bed type thing. She didn't hit the floor. And, of course, they proceeded on. There was some throwing and pushing and shoving. But in the meantime, one of the inmates got word to the Officer up in the other area.

Q Was that a male Officer?

A Yes, sir.

Q And what happened?

A He came back and, of course, without any — he really didn't have to make any contact to correct the situation.

Q So a near riot probably was avoided by the male Officer?

A Correct. And by the fact that the inmate notified him. If the inmate hadn't taken the initiative to notify him. of course it could have gotten a little bit beyond that.

Q Have here ever been any other instances at Frank Lee where the attitude of the inmate, as you understand it or as you feel that it is in your opinion, has been shown toward the female Correctional Officer or been manifested toward the female Correctional Officer?

A Yes. Minor instances. Like one instance an inmate grabbed her behind. Other ones at other times have made some remarks. It is an anonymous-type thing, because you can't find the inmate that did it. Then you have whistling or making some sly remark concerning the woman. I have come up in the evening and the Officer was almost screaming to the limits of her voice trying to cut down on the noise and commotion. It wasn't a riot situation, but it was disorderly. You know they were standing on tables and wall partitions, and just generally disorderly.

Q Have you ever seen that condition when a male Officer was in charge?

A No, sir. As a matter of fact, one of the female Of-

ficers less than a month ago reported an incident to me about there being a couple in the shower stall. As she came by they made some obscene movements, uncalled for gestures at her, and she reported it and wanted to know what to do about this type thing.

Q Does the presence of these women in the Correctional Counselor's role, in these contact positions, present an additional burden upon the male Officers, in your opinion?

A Yes. Not only in my opinion, but it is in the complaints I get from them of having to do in some cases a double chore. As a matter of fact, I have heard remarks that sometimes I just as soon do it myself, because you know she can't at times carry her end of the load. Of course, when you only have two Officers and you split fifty-fifty, of course each Officer is expected to do his share. So there has been some complaints on their part that it has placed a more heavy role on them.

Q Would it make the running of the institution easier if these women were not in these contact positions?

A Definitely.

Q Tell me your opinion as to how women Correctional Officers, if at all, should be used in an institution such as yours.

A Well, certainly there is a place for females at Frank Lee. The only objection I have primarily to female Security Officers is the high percentage. If I had adequate male Officers in these key positions, then the female could do things like the telephone, telephone passes, opening the door, handling the mail call situation. And then after the kitchen is secured maybe checking certain areas to see that everything has been properly turned off. So there are a lot of things that a female can do at Frank Lee besides being in the dormitory-shower room. But as I say, my main problem at Frank Lee is the number that I have versus the posts that I have to fill.

[Dep. pp. 25-26].

Q In other words, correct me if I am wrong, what you are saying is if you could fill your posts in the dormitory with men, there would be places for your female Correctional Officers?

A Correct. And then there is another area that they can handle very well in the counseling aspect. Sometimes they can relate to the inmate in certain problems, you know, more readily than the male. So I am saying there is a place for females, especially at Frank Lee. That is if our numerical or percentage number does not become too great.

Q But the place is not in the dormitories?

A I know that is not the place for them, because your effectiveness is not as great. You are just not getting the proper supervision coverage that you would have as if a male Officer was in that post.

Q And that is based upon your experience of two and a half years with female Correctional Officers?

A Correct.

Q And also your experience of approximately a year and a half with no female Correctional Officers at Frank Lee?

A Correct.

MR. NEWMAN: I believe that is all.

CROSS EXAMINATION

BY MR. CARROLL:

Q Mr. Gilmore, I believe your testimony is that there are eleven security persons at Frank Lee and five Youth Development Officers. I am not familiar with a Youth Development Officer.

A No. We have ten security at this time and six . . .

Q Of those ten security, how many are females?

A Of the ten, there are three female.

Q Three female?

A Yes.

[Dep. pp. 26-28]

Q And then there are also five Youth Development?

A Six.

Q Six Youth Development. And how many of those are female?

A Three.

Q Now, what does the Youth Development Officer do?

A The Youth Development Officer is supposed to be primarily in a counselor-type role. The way the description is on the Merit System and the way they are actually used are somewhat different. That is our small staff makes it imperative that we use Youth Development Officers interchangeably in our security roles.

Q So all the Youth Development Officers are used in security at this point?

A Correct. For instance, last Sunday and Monday night we had a Youth Development Officer on the midnight shift.

Q And they are Board of Correction employees also?

A Correct.

Q Now, in the two and a half years that you have been at Frank Lee . . .

A No. I have been there four years.

Q Well, the two and a half years you have been at Frank Lee utilizing female Correctional Officers . . .

A Correct.

Q . . . what is the maximum number of females you have had?

A Six.

Q Have these same six been with you two and a half years?

A No. We have had one for six or seven years that was there when I came.

Q As a Youth Development Officer?

A As a Youth Development Officer. We got the second one, which was a Youth Counselor trainee or security, about

a year and a half ago or two years ago. And then a few months later we got another security and then a little later a Youth Development Officer female.

Q How long have you had six females in the Security force?

A The last one came nine months ago.

Q Okay. Now, I believe that your testimony is that three nights a week there is a female alone in the dormitory; is that correct?

A Yes.

Q And how long has that condition existed?

A It has existed — well, since the last employment. She has already made permanency, so we are talking about eight or nine months.

Q In those eight or nine months this woman has been alone in the dormitory, can you tell me what has happened that you consider bad for security?

A Well, nothing bad for security as such. I am talking about escapes, no.

Q No escapes, no riots?

A No riots. We have had one incident as I was talking about.

Q Has she ever been assaulted other than when she was pushed out of the way?

A No.

Q Never been sexually assaulted?

A No.

Q And she tours both the dormitories and the shower area, right?

A Correct. The two posts interchangingly do the shower room, see. It is between them. So they both are responsible for the shower room and the hallway up to the TV rooms we have.

Q What kind of orders does she have as far as searching

the shower rooms? Do you tell her not to search them but look, but not if males are in there?

A No, our orders have not been changed. It is that you do the total job, no exceptions.

Q When you were at Tutwiler, how many male Correctional Officers did you have under your control?

A I am thinking three, if my memory is correct.

Q How many females; do you remember?

A Thirty-four or thirty-five, something like that.

Q And the males did not do strip searches nor bathroom inspections at Tutwiler?

A No.

Q And Tutwiler while you were there as Warden was a successfully run institution, in your opinion of your own performance?

A Yes. As a male Warden I had limitations, that is especially in the early evening and night. I could not just walk into the bathroom area. I had to give notice. So by doing that, of course, it cut down on my surveillance. I did not walk into a shower room unannounced.

Q But the shwer room is well patrolled by Correctional personnel, was it not?

A By females. No, this was not my post, but I am saying as a Warden in a male institution I can drop into all these areas, where at Tutwiler I was limited or I felt I was, because I didn't feel like I should go in as a male into a shower room while they were nude.

Q If there was an emergency in the shower room would you have gone in?

A Yes. We never had that. As a matter of fact, I have been in the dormitory after bedtime at night, but the females would have preceded me and, of course, made the situation . . .

Q If there was an emergency in the shower room you

[Dep. pp. 31-32]

wouldn't have hesitated to send a male Correctional Officer in the shower room, would you?

A If I had no other choice, no.

Q If a female was available you would have sent her?

A I would have sent her first, correct.

Q I believe earlier in your testimony you stated that women do not command the authority that male Correctional Officers do?

A That is an opinion.

Q That is an opinion?

A Yes.

Q Can you give me a little bit more detailed basis on what you use as a basis for that opinion?

A Well, the young boisterous person, young outgoing person, when you give them authority — you know, I can remember when I was younger that if a woman teacher or my mother told me to do something, I would try her a little bit longer. But if the male teacher or a man in general, you know, you just more readily accept it. You feel like there is more of a threat behind it, a physical threat with him being a man. It is an intangible thing, but it is there and it is real.

Q What do you do to inmates that don't follow orders from female Correctional Officers?

A They are disciplined.

Q How about inmates that don't follow orders from male Correctional Officers?

A They are disciplined.

Q Let's say in the last year how many incidents have you had involving male Correctional Officers, one of these disciplines that we are talking about that resulted from not following orders?

A I am trying to think. I am thinking none to my memory, because this is not a frequent disciplinary thing

[Dep. pp. 33-34]

that we have at Frank Lee.

Q How about with the female Officer, how many have you had in the past year?

A To my knowledge the one is the only one that I am thinking about.

Q Back to the inmate not respecting the female Correctional Officer. In your testimony you indicated in one of these situations the Correctional Officer takes firmer action against the inmate. What does this firmer action consist of?

A Well, not so much taking the firmer action, but the fact that he is present, the fact that he came back. He didn't have to do anything. The thing ceased at that point.

Q But when you say take firmer action, you don't know exactly what he did?

A Well, he didn't have to do anything, I know.

Q And that is from this mother-father thing, the inmate just backed off from him?

A I think so, definitely.

Q Let's say in the period of time that you have been utilizing female Correctional Officers in the full security positions at Frank Lee, how many complaints from the inmates have you had about their particular presence?

A I have had many complaints about her not keeping order, not being able to.

Q Now, when you say her, is that a specific woman you are referring to or just the female Correctional Counselors in general?

A I am talking about generally one of several females and generally we are talking about in the evening from at least after supper to 10:00. That is when they all are under your feet and this is when the noise factor and the little scuffling and these type things occur.

Q Well, it is noisy in there regardless of whether it

[Dep. pp. 34-36]

is male or female Officers, isn't it?

A Yes. There is a certain amount of noise. I am talking to the point of almost unruliness, excessive noise. As a matter of fact, I might relate this concerning the females. The first security that we hire, she was accepted readily by both staff and inmates. She had good relationship and, of course, still does. I think it is probably a positive situation, because we had at that time one out of eight. But then subsequently we have added the others.

Q One out of eight and she was performing the full security duties?

A No. At this point we did not have to put her in the shower room or dormitory.

Q But you have since then done that with the female Correctional Officers?

A Out of necessity. If it were not necessary, I wouldn't have any of the females go into the shower room or in the dormitory.

Q Why wouldn't you have the females go into the shower room and dormitory?

A Because of this matter of exposing the inmate in these various positions, exposing them to the Officer and conversely the inmate having to expose himself in front of an Officer. I mean the inmates themselves don't like it, and the Officer certainly doesn't like it.

Q How many times a night does the Correctional Counselor on duty, whether they be male or female, check the shower area?

A It is sporadic. You are saying from 2:00 in the afternoon until 10:00 at night, you know.

Q A couple of times?

A Oh, fourteen or twenty times.

Q Just walking back?

A Yes. And in the dormitory they count heads every

[Dep. pp. 36-37]

hour. So we are talking about at least eight times that they go by each bed during the 10:00 at night until 6:00 in the morning. Of course, they have to count every hour, so I know they go in there eight times. I know they go through there eight times. I would hope that they go through there more than that.

Q. But, again, you are utilizing women now and they are doing all of these jobs out of necessity?

A Correct.

Q But if you had your druthers, you wouldn't use women at Frank Lee at all, right?

A No, I didn't say that.

Q You wouldn't use them at Frank Lee in security?

A In these contact positions, if I had my choice.

Q Do you see any positive effect of using these women in inside security positions?

A When you say inside . . .?

Q I mean as you are utilizing them now, do you see any positive effects?

A I don't see any.

Q You just see the negative effects of inmate privacy problems?

A No more positive than any other Officer. Of course, some Officers have a more positive effect than others.

Q I mean, there are good and bad female Correctional Officers?

A Oh, yes. You may have a male Officer that is not up to par either.

Q How many complaints have you had from Correctional Officers as to what you alluded to about female Counselors not doing their job?

A Oh, goodness, mucho, lots of those. Of course, they have sort of exhausted them and the complaints have diminished somewhat, because they know that we will have to

[Dep. pp. 37-39]

work in that situation anyway.

Q Have you ever done anything yourself to ease the transition from an all male force to a male-female force? Have you ever done any counseling sessions or anything of that sort with male Officers?

A Oh, goodness. We have had staff meetings and small meetings, because we have had to. Of course, any Officers will have little conflicts between them and we have had sessions between the male Officers and female Officers, and then in smaller groups and then, say, at staff meetings. Of course, the philosophy is that they are employed there and they will be treated like an employee and we will just have to do the best we can with the situation. As a matter of fact, whenever I can now the female is not placed in these positions.

Q Because of your feeling and your opinion that they can't perform in those posts?

A Well, because I know our surveillance and our performance is limited. I am not saying that they don't perform at all. I am talking about in some instances like eighty percent of the job is being done.

Q But yet you can't show me any problems in the past nine months since you have been using women in the dormitory, since you have been using them extensively in your guard force?

A The greatest problem is this male Officer has to do his job plus.

Q So you are saying that that is why there haven't been any problems, because the male Officers are doubling up their particular duties?

A I think that is much of it. Because during the night he will move over to that area and back and forth. He will cover the total area during his post, during the eight hours.

Q Is this by your order?

A That is correct.

[Dep. pp. 39-40]

Q So you have ordered the male to double the duty that he is complaining of?

A Well, I have asked him — of course, we have one Officer in charge of each shift anyway.

Q Are they all males?

A No. Well, we have had females in charge of a shift. It is according to how long they have been there. See, we have an Officer on each shift — see, all of our Officers have been there for many years, several years, at least four years.

Q You mean male and female now?

A Yes. But we have had, for instance, like one Officer is in charge of the second shift. In his absence then the female may be in charge of his shift. We have had females in charge of a shift and this is out of necessity too.

Q How did they perform when they were in charge of the shift?

A We have had no terrific problems.

Q You have told your male Correctional Counselors to watch out, though, when the female Counselors are on duty?

A I have told the Officer in charge, you know, to cover your whole area, but when your female is in this other position I have asked him to check the total area.

MR. CARROLL: I have no further questions.

REDIRECT EXAMINATION

BY MR. NEWMAN:

Q I believe you testified as to the type of inmate that is sent to Frank Lee. Is it usually a nonviolent inmate?

A Yes. As I said before, escapes and violence is not our problem. It is these behavioral things that could be more of a problem than it is now. We are talking about stealing other inmates' stuff or using marijuana or the possibility of homosexuality. You can cut down your surveillance and maybe not cover as heavy as we have covered over the years

and maybe go by without any problems. For instance, we have had just one Officer there to cover the shift. That is the only one there with a hundred and fifty to two hundred men. And if you ask were there any problems, well probably not that particular night. But I am saying to you if you have limited surveillance or if you cut your force down below a minimum, then within a period of time these problems are going to creep in there. Due to the lack of this better surveillance and more intensive surveillance and more firmer hand, we are having more rude-type behavior.

Q What is the primary cause for this?

A It is this not only seeing but correcting the little things. See, all of ours is preventive behavior. If a guy, say, uses a curse word, for instance. If you don't correct him then, three weeks from now he is going to be using some more serious language.

Q Well, is this brought about by the fact that you have female Correctional Officers? Is that a part of it?

A Part of it. And part of it is spreading our staff thinner.

Q Do you think if you have a male to accompany a female at all times you would have better behavior in the dormitory?

A Generally speaking, yes.

Q All right. Relative to the rest of the Alabama Prison System, and I am excluding the Work Release Centers. They are primarily for older people, am I correct, older inmates toward the end of their term?

A Yes.

Q Let's say excluding the Work Release Centers, is Frank Lee Youth Center a good place to be if you were an inmate?

A Well, we like to think it is the best place to serve time. Now, it doesn't mean it is a rest home or you don't

have to work or you are not involved. But when we say the best, it is best for him not only like from being molested or being beaten up on, but also advancing his own knowledge.

Q So then it would be your testimony that relative to the rest of the system it would be a good place to be?

A Yes.

Q If you misbehave at the Frank Lee Youth Center, what are the alternatives that could be used for punishment? Would one of the alternatives be to send a person away from Frank Lee?

A Yes.

Q Would you consider that a pretty harsh punishment?

A Yes, it is. He has to give up his school and in some cases his trade. Also it could affect his release on parole at a certain time. Of course, he loses his custody generally.

Q Do you think this threat of being sent away from Frank Lee has anything to do with the situation out there now as far as quietness of it?

A Oh, it definitely has a deterrent factor.

Q I believe you also testified that you were a Warden at Mt. Meigs four years ago?

A Yes.

Q Let me ask your opinion as to whether or not women should be hired in contact positions in the back dormitories of Mt. Meigs, and if they were, do you feel the results would be the same as you have found at Frank Lee?

A No. The results would be different. I would say versus Frank Lee you would have the greater possibility — as a matter of fact, you can pretty well be assured that it will happen, that the person would be putting herself in a position of being hurt. I think it would be a graver situation if she would be placed in the back halls or dormitories or cell block of what is now called Kilby.

[Dep. pp. 44-45]

Q So would it be fair to say that really at Frank Lee it is not so much the fact that the woman is being in a grave position of being injured as much as it is her lack of control that she exercises?

A Yes. It is the lack of commanding control and this matter of being in the presence of an inmate, of a male person, either unclothed or partially clothed or using the urinal or commode. As a matter of fact, I would say being in the presence of the inmate during these various positions is one of the most critical parts there, and then this lack of total supervision is the other part.

Q Would it be fair to say that any Officer, no matter whether male or female, if they are in the dormitory they would have to confront at some time or another an inmate taking a shower or an inmate using the bathroom?

A There is no getting around it. They would have to close their eyes if they didn't.

MR. NEWMAN: Okay. Thank you.

RE-CROSS EXAMINATION

BY MR. GILMORE:

Q This testimony about these female Correctional Officers in Kilby, for instance, that is all speculation, is it not? I mean, you have no experience with the use of women in anything but Frank Lee?

A I have had no use of women there. But we have out at Kilby — you have to manhandle and you do have stabbings and you do have violent behavior. I am saying that versus Frank Lee.

Q I mean just like you do in any medium-maximum security prison?

A I rather my wife go to the Frank Lee dormitory than to the Kilby halls or the cell block.

Q Have you ever worked in any other system other than

[Dep. pp. 45-47]

Alabama?

A No.

MR. CARROLL: I have no further questions.

MR. NEWMAN: I will ask you if you will waive your signature to the deposition. It is just a matter of correcting any clerical or typing errors. You can't change any substance of anything that you have said. Richard is a very competent Court Reporter.

A I waive the right.

FURTHER DEPONENT SAITH NOT.

[Dep. p. 47]

Caption Omitted*

SUPPLEMENTAL RESPONSE OF JUDSON LOCKE TO INTERROGATORIES OF PLAINTIFFS

Comes now Judson Locke, pursuant to Rule 26 (e)2,-F.R.C.P. and supplements his heretofore filed answers to interrogatories by adding the following:

3. Attached hereto and made a part hereof is Exhibit III(a) which is an update of the educational level of all correctional counselors and/or officers in the Alabama Prison System, as well as a complete list of those who have been recently hired and those who have recently resigned from that date until April 1, 1976.

Respectfully submitted,
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*Certificate of Service Omitted

EXHIBIT III(a)

CO - Correctional Officer CC- Correctional Counselor CCT - Correctional Counselor Trainee

Exhibit No. III-a

NAME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION	Educa-tion	Education Up Date
Jessie E. Bowdoin	CC I	#4 Honor Camp	9/11/74	78.8	M	5'81/2"	180	HSGrad	
Ollie F. Dennis	CO	"	1/11/56		M	5'9"	155	8th	
William F. Gray	CO	"	7/23/63		M	5'11"	170	10th	
McArthur Harvey	CCT	"	11/20/75	77.43	M	6'1"	215	1yr.Col	2 yr. Col
Edwin L. Henry	CC I	"	8/14/74	83.64	M	6'5"	205	BachDeg	
Wayne Justiss	CC I	"	6/28/72	78.90	M	6'0"	160	HSGrad.	
Horace C. Moore	CC I	"	9/19/73	75.00	M	6'2"	200	HSGrad/	
Roy L. Pilgrim	CO	"	4/12/72		M	5'11"	165	10th	
Jodie L. Pilgrim	CO	"	2/14/75		M	5'10"	190	8th	
James H. Bettis	CO	ChildersburgW.R.	2/13/74		M	6'0"	235	11th	
Bobby W. Bowling	CC I	"	4/2/74	70.00	M	5'4"	150	HSGrad	
John B. Camp	CC I	"	10/9/74	71.68	M	5'9"	190	HSGrad	
Howard A. Daniels	CCT	"	10/16/75	87.68	M	6'3"	185	3yrCol	
Marie Heath	CC I	"	3/27/74	73.81	F	5'7"	160	BusTra	
Rita T. Ingram	CC I	"	12/18/74	72.51	F	5'3"	123	GED	
Hershel L. McCain	CO	"	2/6/74		M	5'9"	215	9th	
Larry M. Britton	CC I	Alex City P.R.	9/4/74	75.00	M	5'8"	170	HSGrad	1 yr. Col
Mark A. Frank	CC I	"	9/25/74	74.07	M	5'10"	201	3yrCol	Bach. Degree
Earnest L. Harrelson	CC I	"	8/28/74	71.17	M	5'10"	230	1yrCol	3 yr. Col
Randal L. Lucas	CC I	"	9/11/74	70.00	M	5'9"	185	HSGrad	1 yr. Col
Thomas E. Martin	CC I	"	11/20/74	75.00	M	5'10"	195	HSGrad	1 yr. Col
Robin F. Reynolds	CC I	"	9/25/74	71.53	M	5'11"	177	1½yrCol	3 yr. Col
Charles H. Simmons	CCT	"	9/15/75	83.64	M	5'11"	160	B.A.	
Opal A. Harden	CO IF	[illegible]	12/12/72		F	5'7"	165	11th	GED
~~Annie K. Holt~~	CC I	"	10/9/74	78.13	F	5'7"	125	3yrCol	
Phillips, Ida M.	CO IF	"	5/26/71		F	5'2"	165	HSGrad	
Robbins Betty Jo	CC I	"	9/13/72	80.76	F	5'4"	165	HSGrad	
Stewart Cynthia R.	CC I	"	5/27/74	74.76	F	5'5"	130	3yrcol	Bach. Degree
Clayton Joyce A.	CCT	Montg.W.R.	7/30/75	78.64	F	5'6"	134	B.A.	
Johnson Aldean	CCT	"	12/17/75	83.64	M	6'2"	210	B.A.	
Johnson Lee E.	CCT	"	7/30/75	79.58	M	5'11"	165	B.A.	
McCurdy Gwendolyn	CCT	"	12/3/75	78.64	F	5'4"	120	B.A.	
Parrish Kathy M.	CCT	"	12/3/75	78.64	F	5'7"	[illegible]	B.A.	
Potts Eugene D.	CCT	"	12/10/73	88.37	M	5'11"	195	HSGrad	
Tolbert Peggy A.	CCT	"	10/22/75	78.64	F	5'2"	150	B.A.	
Carr Wendell H.	CCT	Atmore P.R.	2/12/75	78.64	M	6'0"	205	B.A.	Masters
Weaver Ronald L.	CC I	"	10/16/73	70.81	M	5'8½"	155	HSGrad	
Williams Clifford F.	CC I	"	8/2/71	72.39	M	5'11"	200	HSGrad	
Witherspoon Mary L.	CCT	"	4/2/75	78.84	F	5'7"	200	B.A.	
~~Benjamin James L.~~	~~CO~~	~~CETA~~	~~11/14/75~~		~~M~~			~~HSGrad~~	~~resigned~~
Cloud Richard	CO	"	11/5/75		M			HSGrad.	

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NAME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION	ED.	Education Up Date
~~Easterling Oscar R.~~	~~CO~~	~~CETA~~	~~12/9/75~~		~~M~~	~~6'4"~~	~~285~~	10th	
Garrett R.E.	CO	"	10/20/75		M	5'6"	154	6th	
Haynes Richard C.	CO	"	11/3/75		M	5'3"	162	10th	
Holt Ivan	CO	"	10/30/75		M			HSD	
Hopper Donald R.	CO	"	9/25/75		M	5'11"	234	HSD	
Parker Ralph	CO	"	10/6/75		M	5'9"	163	9th	
Richardson James C.	CO	"	12/15/75		M	5'7"	184	11th	
Smith Willie C. Jr.	CO	"	11/25/75		M			HSD	
Spellman Patrick	CO	"	10/8/75		M			HSD	
Williams Hilton O.	CO	"	10/15/75		M	6'3"	200	GED	
Worthey Paul E.	CO	"	10/20/75		M	5'11½"	183	HSD	
Aldridge Wilbur	CO	Kilby C.F.	9/23/59		M	5'11"	198	9th	
Allen Carlin	CO	"	7/23/73		M	5'6"	175	HSD	
Anderson Darcy L.	CO	"	2/16/73		M	6'0"	225	9th	GED
Averette James W.	CCT	"	3/7/66	100.00	M	6'0"	175	HSD	
Baker Ray T.	CC I	"	5/22/74	91.00	M	5'11"	185	4yrCol	Bach. Degree, 1yr on
Bennette Robert L.	CC I	"	7/10/74	70.61	M	6'0"	230	HSD	
Best Hillery V.	CO	"	4/19/52		M	5'11"	~~ASS~~	7th	GED
Blankenship James L.	CO	"	10/26/72		M	5'8"	190	8th	
Bone Samuel J.	CO	"	2/16/58		M	5'10"	160	8th	
Bowdoin Herbert R.	CC I	"	6/18/74	78.58	M	6'1"	180	GED	
Braswell Willie	CC I	"	9/16/74	78.64	M	6'4"	240	B.A.	1 yr. on Masters
Bragg Lee	CO	"	2/1/74		M	5'7"	150	11th	
Bruce Sylverster J.	CC I	"	4/1/74	70.00	M	5'11"	165	HSD	
Bush John M.	CO	"	4/29/53		M	5'11"	166	7th	
Colley Floyd C.	CO	"	7/2/57		M	5'11"	158	8th	
Davidson William J.	CO	"	3/8/50		M	6'2"	142	9th	
Dawson Eugene	CO	"	10/24/72		M	5'9"	180	HSD	
Donald Willard L.	CO	"	8/30/72		M	6'1"	202	HSD	
Forbish Leo R.	CO	"	6/18/74		M	5'6"	180	HSD	
Fulmer Bernard O.	CO	"	2/16/61		M	5'8"	193	11th	
Gantt Jimmy Lee Jr.	CC I	"	10/17/74	74.58	M	5'7"	150	B.A.	
Gates James E.	CO	"	3/18/74		M	6'1"	240	HSD	1 yr. Col
Graves Milton III	CC I	"	8/28/73	86.59	M	5'7"	140	3yrCol	
Hall Clarence Jr.	CC I	"	10/17/74	80.25	M	5'10"	188	HSD	1 yr. Col
Hamm Lester E.	CC I	"	1/5/76	76.53	M	5'10½"	170	HSD	
Hebert Dewey	CCT	"	12/9/70	84.47	M	5'7"	150	HSD	
Helms Edd Lee	CO	"	3/4/54		M	5'9"	185	7th	GED
Howard Robert J.	CO	"	4/2/74		M	5'9"	150	HSD	
Hubbard William J.	CO	"	10/17/73		M	5'8"	140	9th	
Huey Samuel R.	CC I	"	1/16/74	79.58	M	5'11"	175	B.A.	

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NAME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION	ED.	Education Up Date
Johnson Marion T.	CO	KilbyC.F.	1/20/69		M	5'8½"	175	HSD	
Jones Benny O.	CO	"	10/10/73		M	5'8"	165	3yrCol	
Jordan Matt D.	CC I	"	3/26/74	75.40	M	5'8"	185	HSD	2 yr. Col
Knighton Harry L.	CO	"	9/2/70		M	6'2"	200	HSD	
Lewis Amos Jr.	CC I	"	8/27/73	75.91	M	6'1"	175	HSD	1 yr. Col
Major Emmett O.	CC I	"	10/24/73	78.64	M	5'10"	145	B.A.	
Malone Arthur C. Jr.	CO	"	6/26/72	98.33	M	5'9"	167	11th	GED
Maxwell Roosevelt	CC I	"	6/6/73	75.61	M	5'5½"	148	HSD	
McAllister Michael F.	CC I	"	4/12/73	81.33	M	5'9½"	204	HSD	1 yr. Col
Miller Dorothy D.	CC I	"	9/13/74	78.99	F	5'4"	130	B.A.	
Mitman Truman W.	CO	"	11/11/70		M	5'11"	148	HSD	
Moncrief Maurice W.	CO	"	4/6/72		M	5'10"	165	Bus.Tr.w/oHS	GED
Moseley Raymond M.	CCT	"	12/27/71	78.56	M	5'10"	150	HSD	
Noles William G.	CO	"	7/13/72		M	5'11"	160	11th	
Norrell Reuben A.	CO	"	9/4/64		M	5'10½"	180	11th	GED
Patterson Dewey H.	CO	"	11/9/71		M	5'10"	195	8th	
Reid Alvah W.	CC I	"	2/10/75	79.98	M	5'7"	150	2yrCol	
Ronoke Eddie L.	CO	"	3/28/74		M	6'0"	186	HSD	2 yr. Col
Sanford Robert L.	CC I	"	2/19/74	83.33	M	5'8"	210	HSD	
Shumaker Billie S.	CO	"	6/23/59		M	6'2"	205	HSD	
Smith Eugene	CC I	"	9/19/74	78.64	M	5'4"	145	B.A.	
Smith Hardwick	CO	"	10/17/73		M	5'10½"	190	HSD	
Smith Albert J.	CO	"	2/12/73		M	6'2"	210	HSD	
Taunton Jimmie W.	CC I	"	2/13/73		M	5'11"	175	GED	
Waid Pinkney A.	CO	"	7/2/57		M	6'0"	230	BusTrnw/oHS	GED
Ward Robert Lee	CC I	"	1/13/61	84.15	M	5'9"	160	HSD	
Webster James O.	CC I	"	10/10/75	77.64	M	6'0"	160	HSD	3 yr. Col
Williams Ernest R.	CCT	"	7/14/75	87.67	M	6'5½"	160	B.A.	
Wright Grady	CO	"	11/24/53		M	5'9½"	150	7th	
Aughtman Lester C.	CCT	G.K.FountainCC	9/30/74	71.02	M	5'11"	140	GED	
Baggett Travis S.	CO	"	10/7/65		M	6'0"	185	HSD	
Baggett Roy A.	CO	"	10/1/69		M	6'1"	165	HSD	
Ballard Elbert J.	CO	"	8/17/61		M	5'10"	190	11th	
~~Bazley Vernon E.~~	CC I	"	2/20/74	70.00	M	6'0"	210	HSD	
Bell Leonard H.	CO	"	10/29/69		M	6'3"	227	10th	
Bilbo Charles L.	CCT	"	10/17/75	75.45	M	5'6"	140	1yrCol	
Blanton William O.	CO	"	11/2/71		M	5'8"	155	11th	
Bodiford Charlie E.	CC I	"	2/7/73	76.02	M	5'7"	140	HSD	
Bragg Robert C.	CO	"	8/13/70		M	5'11"	190	8th	
Brown Isaac N.	CC I	"	10/16/68	83.09	M	5'11"	190	HSD	
Brothers Grady E.	CO	"	9/7/65		M	5'11"	194	HSD	

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NAME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION	ED.	Education Up Date
Bryars Oddie	CO	G.K.FountainCC	2/25/74		M	5'6"	170	11th	
Calhoun Norman C.	CO	"	4/27/71		M	5'8"	130	8th	
Cannon Billy H.	CO	"	10/25/72		M	6'2"	265	HSD	
Carlton Tommy D.	CC I	"	12/17/73	70.36	M	5'8"	152	GED	
Carver James E.	CC I	"	10/29/69	79.89	M	6'1"	200	HSD	
Carlee Joseph M.	CO	"	3/1/66	70.43	M	6'0"	200	10th	
Caraway Edward E.	CO	"	10/15/73		M	5'11½"	215	10th	
Caraway Collin L.	CO	"	7/1/69		M	5'11"	180	8th	
Caraway James T.	CO	"	10/19/73		M	6'0"	185	9th	
Coffey Ladd L.	CC I	"	6/12/64	86.15	M	6'2"	174	2yrCol	
Crawford Andrew F.	CCT	"	10/8/75	76.32	M	5'8"	180	2yrCol	
Dandra William J.	CCT	"	6/7/72	72.89	M	5'8"	145	GED	
Daughtry Adam	CO	"	7/17/73		M	5'9"	150	9th	
~~Davis Larry V.~~	CCT	"	9/24/75	70.40	M	5'9"	220	GED	
Donaldson Clifford J.	CO	"	2/15/73		M	5'11"	155	10th	
Dorriety Billie H.	CC I	"	4/6/73	70.51	M	6'0"	200	HSD	
Dorriety Jerry W.	CCT	"	8/14/74	72.43	M	6'3"	190	9th	GED
Downey John R.	CO	"	12/13/66		M	5'9"	155	8th	
Downey T.C.	CO	"	10/29/69		M	5'10"	185	8th	
Dreadin Arthur C.	CO	"	9/17/71		M	6'0"	190	10th	
Ellis Bennie L.	CO	"	11/13/72		M	5'10"	170	8th	
Elloitt I.V.	CO	"	9/6/68		M	5'9"	175	HSD	
English Jessie L.	CO	"	5/4/54		M	6'0"	134	7th	
English Hugo	CO	"	4/28/69		M	6'0"	192	10th	
Etheridge Bruce C.	CO	"	11/10/53		M	5'11"	225	7th	GED
Fowler Willie R.	CO	"	3/24/67		M	5'11"	172	9th	
Godwin Alton	CO	"	8/27/75		M	5'6½"	160	8th	
Gregg Euby	CO	"	4/4/60		M	5'11"	170	11th	
Griffin Bill	CO	"	10/21/70		M	5'8"	185	GED	
Hall Charles M.	CO	"	8/27/75		M	5'10"	188	10th	
~~Hall Willie F.~~	CO	"	11/10/72		M	6'2"	230	11th	
Hall Jack	CO	"	8/27/75		M	6'3"	162	8th	
Hannack Julian O.	CCT	"	3/12/75	76.17	M	5'10"	200	HSD	
Harrison William T.	CO	"	11/30/73		M	6'1"	195	9th	

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NAME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION	EDUCATION	Education Up Date
Hayes Hayward	CC I	G.K. FountainCC	12/17/69	80.84	M	6'1"	185	HSD	2 yr. Col
Haynie Luke	CC I	"	5/5/71	79.42	M	5'11"	197	GED	
Hines Glen	CO	"	7/15/70		M	6'0"	165	8th	
Hinson L C	CO	"	5/3/71		M	5'10"	225	8th	
Holdaway Jack M	CO	"	6/1/69		M	5'9"	180	8th	
Jackson Gordon	CC I	"	2/20/74	72.15	M	5'11"	225	2yrCol	
Johnson Zrbie S	CC I	"	10/7/65	82.88	M	6'1"	180	HSD	
Johnson Katie M	CCT	"	3/26/75	78.64	F	5'6"	143	B.A.	
Johnson Aubrey	CO	"	7/30/73		M	5'8"	175	8th	
Jones Woodrow W	CC I	"	1/27/66	77.88	M	6'0"	215	9th	GED
King Donald E	CCT	"	6/1/73	71.93	M	5'10"	160	GED	
Knight Harvey	CCT	"	10'14'75	75.00	M	5'8"	150	HSD	
Knowles Delmas R	CO	"	6/1/62		M	5'10"	183	HSD	
Lane Otto	CO	"	4/8/59		M	5'8"	190	8th	
Leatherwood Douglas	CC I	"	2/9/72	77.64	M	5'10"	153	HSD	
Lee Robert	CO	"	5/8/74		M	5'9"	135	8th	
Mabry Philip T	CCT	"	11/10/75	72.69	M	5'11"	175	Bus.Tr.w/HSD	
Mancil Herbert W	CO	"	10/3/73		M	5'10"	180	HSD	
McKinley Geo Washto	CO	"	8/10/61		M	5'10"	190	10th	
McKinney James E	CCT	"	5/27/74	71.37	M	6'1"	230	GED	
Mosley James L	CC I	"	12/31/69	79.32	M	5'6"	175	HSD	
Nelson Luther M	CCT	"	11/8/74	75.91	M	6'2"	210	GED	
Oswald Hayward J	CO	"	10/1/69		M	5'5"	155	9th	
Owens Walter T	CO	"	1/29/73		M	5'9"	180	8th	
Phillips Charles W	CO	"	12/3/69		M	5'8"	140	10th	
Quimby Walter B	CO	"	11/1/66		M	5'10"	185	1yrCol	2 yr. Col
Ray James E Jr.	CC I	"	8/16/72	76.53	M	6'0"	200	HSD	1 yr. Col
Redmon Bertha L	CC I	"	3/11/73	70.00	F	5'7"	147	GED	
Richardson Eddie	CC I	"	10/9/74	80.83	M	6'1"	225	B.A.	
Roberts L Junior	CO	"	11/10/54		M	5'8"	145	11th	
Ross Albert J	CO	"	8/1/63		M	5'10"	182	HSD	
Salter Charles W	CO	"	12/10/73		M	5'10"	165	GED	
Shipp James V	CO	"	10/7/71		M	5'9½"	155	8th	
Shipp James E	CO	"	11/7/72		M	5'11"	145	HSD	
Smith Charles B Jr	CCT	"	10/20/75	75.00	M	5'11"	155	HSD	
Smith Chester	CO	"	6/9/69		M	5'8"	200	8th	
Smith Chesley	CO	"	4/5/71		M	5'6"	195	HSD	
Smith Carl	CO	"	8/27/75		M	5'8"	147	10th	
Smith Roy H	CO	"	1/22/74		M	5'9"	160	9th	

NAME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION		Education Up Date
Springs Brenda	CCT	G.K.Fountain	12/10/75	78.64	F	5' 8''	145	B.A.	
Taylor Donald L	CCT	"	12/29/75	71.58	M	5'9"	153	1 yr Co	
Timothy James C	CO	"	10/01/69		M	5'7"	180	9th	
Timothy Andrew E	CO	"	07/09/73		M	5'6"	180	10th	
Turk James	CO	"	08/13/63		M	6'0"	244	HSGrad	
Ward William D	CCT	"	12/08/75	81.19	M	5'11"	155	M.S.	
Watford Alton C	CO	"	08/01/69		M			HSD	
Williams Albert F	CC I	"	10/01/66	79.73	M	5'10"	180	G.E.D.	
Wilson Bibb H	CCT	"	07/16/75	75.00	M	5'10"	175	HSD	
Williams Albert E	CC I	"	12/04/74	70.40	M	5'11"	160	HSD	2 yr. Col
Willson Dudley W	CO	"	07/16/67		M	5'9"	285	8th	
Womack Ralph	CO	"	09/04/53		M	5'9"	140	8th	
Achimon Archie U	CO	Draper	12/01/63		M	5'8"	175	HSD	
Barrett Cloyce E	CO	"	08/24/61		M	5'10"	167	HSD	
Barrett Clyde A	CO	"	09/10/68		M	5'8"	138	HSD	
Bedford Leo Wm	CC I	"	09/09/63	84.15	M	6'0"	164	C.C.	
Bibb Robert	CC I	"	03/27/72	77.67	M	5'6"	155	HSD	
Blankenship John	CO	"	09/23/68		M	5'9"	185	10th	
Boyer Jim Henery	CO	"	07/16/69		M	5'7"	150	HSD	
Campbell James W	CO	"	11/29/72		M	5'8"	145	8th	
Carr James L	CO	"	06/23/71		M	5'8"	155	9th	GED
Checkler Horace R	CO	"	01/19/72		M	5'11"	190	11th	
Cline Don C	CC I	"	02/14/73	90.33	M	6'1"	235	GED	
Collins Lloyd	CC I	"	10/17/73	82.60	M	5'6"	176	1yr Col	2 yr. Col
Colquitt Henry	CO	"	06/30/72		M	5'9"	170	10th	
Colley Harvey Allen	CO	"	03/07/63		M	6'4"	217	HSD	
Conner Warren L	CO	"	03/04/69		M	6'0"	157	6th	10th grade
Dennis Joe F	CCT	"	11/03/75	78.66	M	5'8"	185	HSD	3 yr. Col
Daniels Leeposey	CCT	"	06/11/75	78.64	M	6'0''	164	BA	
Devaughn Joseph L	CO	"	02/16/67		M	5'8"	209	9th	
Devaughn Hardy	CO	"	09/29/75		M	6'1"	195	11th	
Dillinger Bert E	CC I	"	04/17/74	77.95	M	6'0"	145	HSD	2 yr. Col
Driver James E	CO	"	09/03/74		M	5'10"	156	HSD	
Easterling Rufus T	CO	"	07/16/68		M	6'5"	280	8th	
Edwards Floyd	CCT	"	08/22/66	78.05	M	5'9''	178	HSD	
Eiland Marion	CO	"	08/24/72		M	5'6"	160	9th	
Elliott John J	CO	"	09/30/74		M	6'2"	200	GED	

NAME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION		Education Up Date
Faulk Billy	CO	Draper	11/05/74		M	5'11"	170	10th	
Frost DONald	CCT	"	06/18/75	93.11	M	5'10 "	195	BA	
Fuller Joseph W	CO	"	11/04/74		M	6'0"	222	11th	
Garmon Jewel L	CO	"	08/07/57		M	6'3 "	182	9th	
Geoghegan Claude	CC I	"	10/01/74	75.71	M	5'6"	175	HSD	1 yr. Col
Gibbons Halfmann	CO	"	01/18/72		M	5'11"	180	11th	
Glenn James H	CCT	"	11/16/71	83.00	M	5'8"	170	HSD	
Gray Richard R	CO	"	09/19/61		M	5'11"	206	11th	GED
Hayes Fred L	CC I	"	10/09/74	75.00	M	6'0"	210	HSD	
Herrod John W	CO	"	05/24/71		M	5'8"	165	HSD	
Holman Joe C	CO	"	09/18/72		M	5'8"	162	10th	
Horsley George W	CO	"	04/17/72		M	6'0"	250	10th	
Hughes Richard M	CC I	"	06/14/74	75.37	M	5'11"	165	3yr Col	Bach. 2 yr. on Maste
Johnson Eddie	CC I	"	02/01/74	75.10	M	5'9"	168	HSD	
Jones Doris	CC I	"	10/30/73	78.14	F	5'8"	190	HSD	
Jones James Carl	CC I	"	08/24/64	79.10	M	5'9"	168	HSD	
Kirland Bobby	CO	"	10/01/75		M	6'0"	195	1yr COl	2 yr. Col
Little Herman	CO	"	08/08/67		M	5'11"	151	10th	
Littlejohn James W	CO	"	02/02/57		M	6'2"	190	9th	
Lowman James C	CC I	"	12/17/73	93.33	M	5'8"	145	3yr Col	3½ yr. Col
McDonnald Edward	CC I	"	10/09/74	75.00	M	5'7"	138	GED	1 yr. Col
McGee Henrietta E	CCT	"	07/21/75	79.40	F	5'5"	142	BA	
McGowin James D	CO	"	02/23/72		M	5'6"	140	HSD	
Mitchell EDward	CO	"	10/18/59		M	6'2"	155	HSD	1 yr. Col
Murchison Beno L	CO	"	01/09/61		M	5'11"	160	HSD	2 yr. Col
Murchison Leonard O	CO	"	09/18/68		M	5'11"	150	11th	HSD
Noah Thomas	CO	"	3/22/66		M	5'8"	170	8th	
Noah James	CO	"	9/21/67		M	5'11"	199	11th	
Osteen Henry L.	CO	"	8/1/63		M	5'10"	152	10th	
Owens Charles H.	CO	"	12/20/66		M	5'8"	172	10th	
Parker Roger K.	CC I	"	12/4/72	70.86	M	6'0"	157	HSD	
Plyler Barnes S.	CO	"	5/4/67		M	5'11"	223	HSD	
Randall Charles T.	CO	"	3/12/73		M	6'1½"	168	10th	
Rich Everett L.	CC I	"	10/6/66	76.71	M	6'0"	190	GED	
Robinson Theodore	CO	"	7/18/53		M	5'7"	165	8th	
Roper Clemmie C.	CC I	"	12/3/73	75.00	M	5'11"	163	HSD	
Russell Raymond E.	CC I	"	6/19/74	75.00	M	5'10"	157	GED	3 yr. Col
Sansom David E.	CO	"	10/24/73		M	5'8"	155	11th	GED 1 yr. Col
Scroggins John B.	CO	"	10/24/73		M	5'7"	150	HSD	
Simmons Clester H.	CO	"	4/24/68		M	6'4"	254	10th	
Smith Hollis L.	CC I	"	11/28/73	70.36	M	5'7"	160	HSD	
Smith James H.	CO	"	6/19/69		M	6'1"	235	12th	

NAME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION	ED.	Education Up Date
Stearns Arvel C.	CO	Draper	3/18/63		M	6'0"	194	10th	GED
Steadham James F.	CO	"	5/14/74		M	6'0"	175	BusTrHSD	2 yr. Col
Thornell Max	CC I	"	6/15/72	82.73	M	5'11"	176	GED	2 yr. Col
Thompson Robert C.	CC I	"	10/18/73	74.78	M	6'2"	225	HSD	
Walker Murray L.	CO	"	7/15/70	85.29	M	6'2"	230	HSD	
Walker Leon G.	CO	"	12/6/52		M	5'8"	165	7th	
Ward Jerremah	CO	"	4/16/63		M	5'11"	150	11th	
Watkins James C.	CO	"	9/26/75		M	5'7"	185	12th	
Wells Johnny E.	CO	"	3/28/66		M	5'8"	198	9th	GED
Whitt Ethelrine P.	CCT	"	7/21/75	78.64	F	5'8'	146	B.A.	
White Marion R.	CO	"	2/20/68		M	5'11"	170	10th	
Wiggs Joe Jr.	CO	"	11/24/64		M	5'11"	170	10th	
Wilson Ernest T.	CC I	"	2/28/73	80.24	M	5'9"	175	B.S.	3 yr. on Masters
Wilson Randall G.	CO	"	10/1/75		M	5'10"	160	HSD	
Wright William A.	CO	"	6/12/67		M	5'11"	151	10th	
Wright Ralph W.	CO	"	1/2/69		M	5'9"	174	6th	11 grade GED

NAME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION	Ed.	Education Up Date
Blankenship, Pauline C.	CO	Tutwiler	01-21-70		F	5'0"	140	9th	GED 3 yr. Col
Brown, Essie D.	CC I	Tutwiler	10-26-73	79.41	F	5'5"	135	Bach. D.	
Cobb, Virginia K.	CO	Tutwiler	07-18-73		F	5'6"	120	HSD	
Collier, Mary Sowell	CCT	Tutwiler	10-16-72	81.19	F	5'6"	135	1 yr co	Bach. Degree
Davis, Barbara J.	CCT	Tutwiler	09-03-75	81.39	F	5'5"	145	Med.	
Duke, Benjamin C.	CO	Tutwiler	06-01-57		M	5'3"	160	8th	
Estes, John R.	CO	Tutwiler	11-03-72		M	6'0"	175	HSD	
Gossett, Allen L.	CC I	Tutwiler	09-16-63	79.15	M	5'7"	180	HS Grad	
Gossett, Montez L.	CO	Tutwiler	06-16-68		F	5'6"	130	HS Grad	
Goodman Eunice Hila	CC I	Tutwiler	09-13-59	79.40	F	5'7"	155	HS grad	
Gorge, Merla E.	CC I	Tutwiler	02-11-55	79.40	F	5'8"	130	HSD	
Hill, Harvey H., Jr.	CCT	Tutwiler	05-07-75	80.30	M	6'4"	212	HSD	
Hollyfield, Helen	CC I	Tutwiler	02-12-74	70.00	F	5'5"	142	HSD	
Holt, Mary C.	CO	Tutwiler	08-16-63		F	5'4"	180	11th	
Holley, Arlene T.	CO	Tutwiler	10-16-68		F	5'11"	130	12th	
Jefferson, Ethel R.	CCT	Tutwiler	01-22-75	78.64	F	5'5"	131	Bach. D.	
Lee, Claudine	CCT	Tutwiler	01-02-75	78.64	F	5'6"	120	Bach D/	
Matthews, Virginia	CCT	Tutwiler	07-16-63	79.15	F	5'3½"	115	HSD	
Morrison, Sarah	CO	Tutwiler	12-30-64		F			HSD	
Murchison, Katherine	CO	Tutwiler	03-24-67		F	5'2"	130	HSD	
Robinson, Florence F.	CO	Tutwiler	09-16-66		F	5'7"	155	HSD	
Ross, Gladys I	CO	Tutwiler	11-10-71		F	5'4"	150	10th	
Stapp, Joyce C	CCT	Tutwiler	07-02-75	81.19	F	5'5"	170	U.S. J.	
Vinson, Jeanetta Y.	CC I	Tutwiler	11-07-73	72.64	F	5'5"	134-	Bach D.	
Wood, Mary Lee	CO	Tutwiler	06-16-67		F	5'1"	148	HSD	
Wood, Adolphe L.	CO	Tutwiler	04-13-72		M	5'7"	200	10th	
Baugh, James C.	CO	Holman	06-06-72		M	5'8"	139	8th	
Giles, Lester V.	CCT	Holman	11-07-75	75.76	M	5'3"	160	HSD	
Blackburn, William C.	CO	Holman	10-23-69		M	5'11"	190	10th	
Blackmon W.O.	CO	Holman	05-07-74		M	5'7"	150	8th	GED
Boone, Henry C.	CO	Holman	06-06-74		M	5'2"	270	10th	
Boutwell, Raymond	CCT	Holman	12-05-75	70.07	M	6'0"	205	HSD	
Boyd, Martha A.	CCT	Holman	03-27-75	74.58	F	5'3"	127	12th	1 yr. Col
Branch, Willie	CO	Holman	09-21-72		M	6'3"	133	10th	GED
Brooks, Fred	CO	Holman	08-13-70		M	5'10"	135	8th	
Bryars, Chester	CO	Holman	08-26-73		M	5'7"	170	8th	
Carrol, Marshall	CCT	Holman	07-26-74	80.80	M	6'3"	180	HSD	
Coleman, Charles H.	CCT	Holman	05-24-75	73.69	M	6'0"	200	HSD	
Coleman, John D.	CO	Holman	05-13-70)		M	5'8"	187	9th	
Coleman, Joseph R.	CO	Holman	07-30-75		M	5'6"	135	8th	
Cruthfield, James J.	CO	Holman	05-18-70		M	5'10"	230	11th	

NAME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION - Ed.	Education Up Date
Cruit, Riley M.	CO	Holman	03-30-74		M	6'0"	135	10th
Davidson, Lavaughn	CCT	Holman	11-06-75	72.13	M	6'1"	210	GED
Davis, Jerry M.	CO	Holman	02-12-75		M	5'11"	155	9th
Dean, Stephen L.	CC I	Holman	07-31-74	70.55	M	5'10"	215	HSD
Dignan, Richard G.	CC I	Holman	06-25-74	76.68	M	5'3"	162	1 yr col 3 yr. Col
Dixon, Ira L.	CO	Holman	08-03-73		M	6'	170	8th
Dunn, Joe	CO	Holman	05-18-70		M	5'10"	165	8th
Dyress, Donnie F.	CCT	Holman	01-21-71	74.22	M	5'11"	264	HS Grad
Ellis, James T.	CO	Holman	09-02-69		M	6'	190	8th
English, Bobby R.	CO	Holman	07-26-73		M	5'7"	160	HSD
Floyd, James C.	CO	Holman	09-09-74		M	6'2"	190	8th GED
Flowers, Julius J.	CO	Holman	01-24-75		M	6'2"	170	8th
Foster, Donnie	CO	Holman	02-15-74		M	5'11"	165	9th
Fralick, Thomas J.	CO	Holman	01-04-72		M	5'11"	210	11th
Gibbs, Willie E.	CO	Holman	06-29-73		M	5'6"	135	10th GED
Grant, Elmore V.	CO	Holman	05-13-70		M	5'8"	180	10th
Hank, Homer L.	CCT	Holman	02-26-73	78.54	M	5'9"	140	HSD
Harville, Norman	CO	Holman	11-12073		M	5'10"	170	8th
Hayes, Bryan	CCT	Holman	11-25-75	72.59	M	6'2"	205	1 yr col
Hixon, William T	CCT	Holman	12-17-69	75.02	M	6'2"	185	GED
Hodgen, James R.	CC I	Holman	09-12-73	75.25	M	5'7"	162	GED
Holt, Isaac J.	CC I	Holman	02-04-72	79.67	M	6'0"	210	HS GRad 3 yr. Col
Hollinger, Dennie C.	CO	Holman	09-17-71		M	6'0"	204	10th
Johnson, Larry D.	CCT	Holman	03-05-74	70.75	M	6'0"	158	GED
Jones, Robert D.	CCT	Holman	12-22-75	75.00	M	5'3"	180	Less than 1 yr co
Kirby, David B.	CCT	Holman	12-29-75	71.12	M	6'0"	295	GED
King, Earl D.	CO	Holman	05-16-68		M	6'3"	175	10th
Kitzinger, Ronald W.	CCT	Holman	07-21-75	75.00	M	5'3"	150	GED
Lee, Roy J.	CO	Holman	03-20-63		M	6'0"	165	9th grad GED
Luker, Ingram	CO	Holman	05-13-70		M	5'9"	150	8th GED
Mason, Marvin M. Jr.	CO	Holman	11-06-74		M	5'11'	145	9th GED
McInally, Earl	CO	Holman	01-22-74		M	6'0"	200	11th
Messick, Grimes W.	CO	Holman	09-06-74		M	5'3"	200	11t
Moore, Elizabeth	CC I	Holman	01-30-74	70.20	F	5'5"	122	HS Gr.. GED
Oswald, James R.	CO	Holman	01-25-73		M	5'10"	133	9th
Overstreet, Calvin M.	CO	Holman	08-13-70		M	6'2"	180	10th
Parker, Leroy	CO	Holman	11-06-74		M	6'0"	185	8th
Payne, Dewey E.	CC I	Holman	04-20-72	81.04	M	6'2"	225	GED
Peacock, Clarence A.	CO	Holman	09-26-73		M	5'11"	203	HS Grad
Pugh, John H.	CO	Holman	08-02-73		M	5'7"	170	8th

NAME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION	ED.	Education Up Date
Qualls Juby J.	CO	Holman Prison	6/6/72		M	6'2"	190	8th	
Quimby Kenneth R.	CO	"	7/1/74		M	5'9"	225	HSD	
Raines Jessie H.	CCT	"	2/20/73	73.15	M	6'0"	185	GED	
Raines Joseph C.	CC I	"	9/13/72	78.00	M	5'11"	200	HSD	1 yr. Col
Rollin William	CC I	"	2/22/74	70.00	M	5'6"	175	GED	
Ryals Charles W.	CO	"	4/11/63		M	5'8"	181	10th	
Seale Otha	CO	"	12/6/71		M	5'9"	180	HSD	
Seale Leon	CO	"	7/7/72		M	5'11"	190	10th	
Sellers Edward L.	CO	"	4/29/74		M	6'2"	210	6th	
Sirmon Richard I.	CO	"	5/29/74		M	6'2"	165	10th	GED 1 yr. Col
Smith James M.	CO	"	5/18/70		M	5'7"	135	9th	
Stabler Frank W.	CO	"	11/12/74		M	5'11"	180	8th	
Stewart William W.	CCT	"	12/31/69	80.49	M	5'9"	147	GED	
Steele Henry R. Jr.	CO	"	4/17/74		M	5'9"	180	8th	
Taylor Xindle M.	CC I	"	2/3/71		M	5'11"	190	HSD	
Tolbert Harry T.	CO	"	12/4/72		M	6'1"	185	8th	GED
Tolbert Leroy	CO	"	2/11/70		M	5'9"	147	8th	
Welch Mack O.	CCT	"	10/9/75	75.00	M	5'11½"	168	HSD	
Whatley William P.	CO	"	11/14/73		M	5'11"	175	GED	
White George L.	CO	"	7/2/73		M	5'8"	135	8th	
Wiggins Elbert R.	CC I	"	10/12/71	73.56	M	6'0"	152	B.A.	
Wright Terry T.	CC I	"	3/26/73	74.53	M	6'1"	170	HSD	
Carter Mary C.	CC I	B'ham.P.R.	1/29/75	78.84	F	5'3"	127	B.A.	
Ceaphus Leslie C. Jr.	CC I	"	7/11/73	84.80	M	5'11"	175	1yrCol	A.A.
Dewitt Robert H.	CCT	"	12/17/75	89.22	M	6'5"	245	Masters	
Everhart Charles E.	CC I	"	10/19/73	77.85	M	5'10"	177	2yrCol	A.A.
Harding Nancy C.	CC I	"	9/17/73	70.00	F	5'5"	130	HSD	
Hightower Royzell	CC I	"	11/12/73	77.64	M	5'5"	140	1yrCol	A.A.
Jordan John C.	CC I	"	4/4/73	78.10	M	6'0"	190	2yrCol	Bach. Degree
Bryars Edith M.	CC I	MobileP.R.	1/30/74	78.64	F	5'9½"	170	B.A.	1½yr. on Masters
Ellisor Thomas M. Jr.	CC I	"	1/16/74	92.03	M	5'11"	201	Master	
Evans Donald J.	CC I	"	10/9/74	81.10	M	5'9"	195	3yrCol	Bach. Degree
McGill John C.	CC I	"	1/30/74	73.66	M	5'10"	190	2yrCol	3 yr. Col
Ruffin Barbara A.	CC I	"	2/13/74	74.83	M	5'2"	123	B.A.	1½ yr. on Masters
Thomas Ernest Jr.	CC I	"	3/13/74	78.15	M	5'10½"	168	HSD	
Bray Jessie S.	CCT	Frank LeeYC	1/15/75	77.53	M	5'8"	130	B.A.	
Daniels Olivia	CCT	"	7/30/75	78.64	F	5'3"	129	B.A.	
Dowdy Cheril A.	CC I	"	10/24/73	78.64	F	5'11"	160	B.A.	
Foreman James W.	CO	"	7/1/67	81.25	M	5'11"	190	10th	
Harris Richar M.	CC I	"	1/14/72	82.00	M	5'7"	160	GED	
Neeley Sidney E.	CO	"	10/29/69		M	5'7"	170	GED	
Smith Leonard E.	CO	"	2/15/68		M	5'11"	170	8th	
Smith Carl B.	CO	"	5/23/73		M	6'0"	180	10th	

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Recently hired

Exhibit 111a

NAME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION	EDUCATION
Dafney, Lewis P.	Corr. Off.	CETA	1-15-76		M	5' 9½"	153 lbs.	11 grade
Reach, Charles	Corr. Cslr. Tr.	Draper	1-14-76	78.64	M	5' 11"	135 lbs.	BA
Sullivan, Michael	Corr. Cslr. Tr.	Mobile Wk. Rel.	1-14-76	81.10	M	6' 1"	185 lbs.	3 yr. Col
McDade, Elizabeth	Corr. Cslr. Tr.	Mont. Wk. Release	1-14-76	81.09	F	5' 9"	220 lbs.	BS
Allen, Walter K.	Corr. Cslr. Tr.	Holman	1-26-76	78.64	M	6' 0"	190 lbs.	BS
Cephas, Gwendolyn	Corr. Cslr. Tr.	Kilby	2-2-76	77.42	F	5' 5"	135 lbs.	BS
Jackson, Edgar J.	Corr. Cslr. Tr.	Mont. Pre-Release	2-18-76	78.84	M	6' 0"	175 lbs.	BS
Torniss, Leon	Corr. Cslr. Tr.	Mont. Pre-Release	2-23-76	79.60	M	5' 9"	155 lbs.	BS
Cousins, Stephonie	Cor. Cslr. Tr.	Holman	2-25-76	78.64	F	5' 4"	160 lbs.	BS
Crenshaw, Richard	Corr. Cslr. Tr.	Holman	2-25-76	71.17	M	5' 8"	170 lbs.	2 yr. Col
White, Allen	Corr. Cslr. Tr.	Fountain	2-25-76	70.66	M	5' 11"	175 lbs.	GED
Pounsey, Allie	Corr. Cslr. Tr.	Holman	2-25-76	70.00	M	5' 8"	155 lbs.	GED
Baker, James M.	Corr. Cslr. Tr.	Holman	2-25-76	70.00	M	5' 9"	152 lbs.	1 yr. Col
Green, Eddie M.	Corr. Cslr. Tr.	Holman	2-25-76	72.03	M	5' 9"	175 lbs.	2 yr. Col
Creech, Robert	Corr. Cslr. Tr.	Holman	2-25-76	71.63	M	6' 0"	200 lbs.	GED
Davison, Charles	Corr. Cslr. Tr.	Holman	2-25-76	70.51	M	5' 6"	152 lbs.	HSG
McAuley, Kathryn	Corr. Cslr. Tr.	Fountain	2-25-76	70.51	F	5' 5"	200 lbs.	HSG
Watson, John S.	Corr. Cslr. Tr.	Fountain	2-25-76	70.40	M	6' 4"	210 lbs.	HSG
Clinner, Betty	Corr. Cslr. Tr.	Fountain	2-25-76	70.00	F	5' 9"	195 lbs.	HSG
Gore, Delmar E.	Corr. Cslr. Tr.	Kilby	2-26-76	72.08	M	5' 9"	190 lbs.	HSG
Grady, Chester	Corr. Cslr. Tr.	Kilby	2-25-76	76.76	M	5' 8"	152 lbs.	3 yr. Col
Giles, Jessie	Corr. Cslr. Tr.	Kilby	2-26-76	76.45	M	6' 2"	220 lbs.	3 yr. Col
Cole, Thomas	Corr. Cslr. Tr.	Kilby	2-25-76	71.27	M	6' 0"	190 lbs.	HSG
Stubbs, Thomas	Corr. Cslr. Tr.	#4 Honor Camp	2-25-76	76.27	M	5' 9"	175 lbs.	1 yr. Col
Eaton, Cliff	Corr. Cslr. Tr.	Kilby	2-25-76	76.15	M	6' 0"	212 lbs.	3 yr. Col
Culp, Joe H.	Corr. Cslr. Tr.	Draper	3-12-76	72.67	M	6' 4"	180 lbs.	1 yr. Col
Coley, Jerone	Corr. Cslr. Tr.	Kilby	3-17-76	78.91	M	6' 1"	165 lbs.	3 yr. Col
Mitchell, Wendall	Corr. Cslr. Tr.	Draper	3-17-76	71.42	M	6' 2"	205 lbs.	HSG
Jenkins, Larry	Corr. Cslr. Tr.	Draper	3-18-76	76.27	M	6' 3"	160 lbs.	HSG
Nelan, Lawrence	Corr. Cslr. Tr.	Kilby	2-25-76	75.51	M	6' 0"	175 lbs.	HSG
Hartley, James	Corr. Cslr. Tr.	Kilby	2-25-76	75.15	M	5'11"	174 lbs.	HSG
Danley, William	Corr. Cslr. Tr.	Kilby	2-25-76	75.10	M	5' 9"	200 lbs.	GED

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AME	TITLE	PLACE OF EMPLOYMENT	DATE EMPLOYED	GRADE	SEX	HEIGHT ON APPLICATION	WEIGHT ON APPLICATION	EDUCATION

IN ADDITION, THE FOLLOWING CORRECTIONAL OFFICERS OR CORRECTIONAL COUNSELORS HAVE RESIGNED:

Benjamin, James L.	*Correctional Officer*		*CETA*		
Holt, Annie	*Correctional Counselor I*		*Wetumpka Work Release*		
Hopper, Donald R.	*Correctional Officer*		*CETA*		
Barlow, Vernon	*Correctional Counselor I*		*Fountain*		
Davis, Larry V.	*Correctional Counselor Trainee*			*Fountain*	
Hall, Willie F.	*Correctional Officer*		*Fountain*		
Hammack, Julian O.	*Correctional Counselor Trainee*			*Fountain*	
Knight, Harvey	*Correctional Counselor Trainee*			*Fountain*	
Leatherwood, Douglas	*Correctional Counselor I*		*Fountain*		
Owens, Walter T.	*Correctional Officer*		*Fountain*		
Edwards, Floyd	*Correctional Counselor Trainee*			*Draper*	
Harville, Norman	*Correctional Officer*		*Holman*		
Whatley, William P.	*Correctional Officer*		*Holman*		
Easterling, Oscar	*Correctional Officer*		*CETA*		
Garrett, R. E.	*Correctional Officer*		*CETA*		

Caption Omitted

O R D E R

The Alabama Board of Corrections and certain other parties who have appealed to the Supreme Court of the United States have filed in this Court an application for stay pending appeal and a motion for hearing thereon. Said motion is DENIED and the application for stay pending appeal is also DENIED.

This order is entered by a majority of the members of the Court, Judge Johnson being absent from this jurisdiction.

Done this the 28th day of July, 1976.

Richard T. Rives
UNITED STATES CIRCUIT JUDGE
R. H. VARNER
UNITED STATES DISTRICT JUDGE

Caption Omitted

DEFENDANTS' MOTION FOR JUDICIAL NOTICE

Defendants move this Court in its consideration of this case to take judicial notice of the following:

1. U. S. Department of H.E.W., Public Health Services, National Center for Health Statistics, *Weight, Height, and Selected Body Dimensions of Adults*, United States 1960-62, Series II, Number 8, June 1965, Tables 1 and 2. (Attached as Exhibit A)

Respectfully submitted,
DAVID G. FLACK
ATTORNEY FOR DEFENDANTS

*Certificate of Service Omitted

NATIONAL CENTER
For HEALTH STATISTICS

Series II
Number B

VITAL and HEALTH STATISTICS
DATA FROM THE NATIONAL HEALTH SURVEY

Weight, Height, and Selected Body Dimensions of Adults
United States — 1960 - 1962

Age and sex distributions for weight, height, erect sitting height, normal sitting height, knee height, popliteal height, elbow rest height, thigh clearance height, buttock-knee length, buttock-popliteal length, elbow-to-elbow breadth, and seat breadth.

Washington, D.C. June 1965

U.S. DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
Anthony J. Celebreeze
Secretary
Public Health Service
Luther L. Terry
Surgeon General

Table 1. Weight in pounds, average weight and selected percentiles, by age and sex: United States, 1960-62

Average weight and percentile	Total, 18-79 years	18-24 years	25-34 years	35-44 years	45-54 years	55-64 years	65-74 years	75-79 years
	Weight in pounds[1]							
MEN								
Average weight--	168	160	171	172	172	166	160	156
Percentile[2]								
99	241	231	248	244	241	230	225	212
95	217	214	223	219	219	213	207	198
90	205	193	208	207	209	203	198	191
80	190	180	195	193	194	190	183	178
70	181	171	185	184	185	180	172	169
60	173	164	177	177	178	172	166	159
50	166	157	169	171	171	165	161	154
40	159	151	162	164	163	158	153	151
30	152	145	154	158	156	151	146	137
20	144	140	146	151	149	143	138	132
10	134	131	136	141	139	131	126	120
5	126	124	129	134	131	123	117	107
1	112	115	114	121	116	112	99	99
WOMEN								
Average weight--	142	129	136	144	147	152	146	138
Percentile[2]								
99	236	218	239	238	240	244	214	203
95	199	170	191	204	205	211	196	193
90	182	157	173	184	190	195	183	178
80	164	145	152	165	171	176	169	162
70	152	137	143	153	158	165	160	153
60	144	131	136	144	149	154	151	147
50	137	126	130	137	143	146	145	137
40	131	122	125	131	137	140	138	127
30	125	117	120	125	130	134	132	118
20	118	111	114	119	122	129	125	113
10	111	104	107	113	113	120	114	105
5	104	99	102	109	106	112	106	99
1	93	91	92	100	95	95	92	74

[1] Weight, partially clothed (see section on "The Measurements").
[2] Measurement below which the indicated percent of persons in the given age group fall.

Table 2. Height in inches, average height and selected percentiles, by age and sex: United States, 1960-62

Average height and percentile	Total, 18-79 years	18-24 years	25-34 years	35-44 years	45-54 years	55-64 years	65-74 years	75-79 years
	Height in inches[1]							
MEN								
Average height--	68.2	68.7	69.1	68.5	68.2	67.4	66.9	65.9
Percentile[2]								
99--	74.6	74.8	76.0	74.1	74.0	73.5	72.0	72.6
95--	72.8	73.1	73.8	72.5	72.7	72.2	70.9	70.5
90--	71.8	72.4	72.7	71.7	71.7	71.0	70.2	69.5
80--	70.6	70.9	71.4	70.7	70.5	69.8	68.9	68.1
70--	69.7	70.1	70.5	70.0	69.5	68.8	68.3	67.0
60--	68.8	69.3	69.8	69.2	68.8	68.3	67.5	66.6
50--	68.3	68.6	69.0	68.6	68.3	67.6	66.8	66.2
40--	67.6	67.9	68.4	68.1	67.7	66.8	66.2	65.0
30--	66.8	67.1	67.7	67.3	66.9	66.0	65.5	64.2
20--	66.0	66.5	66.8	66.4	66.1	64.7	64.8	63.3
10--	64.5	65.4	65.5	65.2	64.8	63.7	64.1	62.0
5--	63.6	64.3	64.4	64.2	64.0	62.9	62.7	61.3
1--	61.7	62.6	62.6	62.3	62.3	61.2	60.8	57.7
WOMEN								
Average height--	63.0	63.8	63.7	63.5	62.9	62.4	61.5	61.1
Percentile[2]								
99--	68.8	69.3	69.0	69.0	68.7	68.7	67.0	68.2
95--	67.1	67.9	67.3	67.2	67.2	66.6	65.5	64.9
90--	66.4	66.8	66.6	66.6	66.1	65.6	64.7	64.5
80--	65.1	65.9	65.7	65.5	64.8	64.3	63.7	63.6
70--	64.4	65.0	64.9	64.7	64.1	63.6	62.8	62.8
60--	63.7	64.5	64.4	64.1	63.4	62.9	62.1	62.3
50--	62.9	63.9	63.7	63.4	62.8	62.3	61.6	61.8
40--	62.4	63.0	62.9	62.8	62.3	61.8	61.1	61.3
30--	61.8	62.3	62.4	62.2	61.7	61.3	60.2	60.1
20--	61.1	61.6	61.8	61.4	60.9	60.6	59.5	59.0
10--	59.8	60.7	60.6	60.4	59.8	59.4	58.3	57.3
5--	59.0	60.0	59.7	59.6	59.1	58.4	57.5	55.3
1--	57.1	58.4	58.1	57.6	57.3	56.0	55.8	46.8

[1]Height, without shoes.
[2]Measurement below which the indicated percent of persons in the given age group fall.